



# **INTERIM REPORT OF THE ATTORNEY GENERAL AND THE AUDITORS OF PUBLIC ACCOUNTS**

## **INVESTIGATION CONCERNING SHERIFFS**

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# INTRODUCTION

This report presents a partial picture — the result of a work in progress that citizens have a right to know even as our investigation continues. The central theme of our findings so far is the absence of adequate controls, oversight and accountability in significant areas of sheriff operations. The report describes some specific areas where failings and flaws have been found. They include improprieties and possible illegalities relating to honorary badges, gun purchases, political contributions, sales tax exemptions, lobbying activities, and others. Some practices are simply unwise or improper. Others are starkly illegal. All demonstrate a lack of sufficient supervision, standards and oversight that are essential to public accountability.

The report, like our investigation, is ongoing and incomplete — in effect, a continuing effort. It is incomplete, first, because it does not present all of the evidence and information covering all of the areas that we have reviewed. We have sought to be fair and factual, not only avoiding reliance on rumor or suspicion, but even delaying parts of the report that are not fully developed so as to be as comprehensive and balanced as we think appropriate.

Another reason that this report is only interim relates to resistance by the sheriffs themselves<sup>1</sup> — including some 14 motions to quash lawful and proper subpoenas seeking very necessary and appropriate information.<sup>2</sup> Such resistance from certain sheriffs has prevented our

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<sup>1</sup> *Fairfield County*: Sheriff Charles Valentino; Deputy Sheriff George Hammel, Deputy Sheriff Ronald Kadar, Deputy Sheriff Richard Moccia, Deputy Sheriff Mark Pesiri, Deputy Sheriff Patricia Randall; *Hartford County*: Sheriff Walter Kupchunos; Deputy Sheriff Erwyn Glanz, Deputy Sheriff Charles Ferrato, Deputy Sheriff Edward Jurgelas, Deputy Sheriff Bruce Suchinski; *New Haven County*: Deputy Sheriff William Nolan; *Tolland County*: Sheriff Michael Piccoli; Chief Deputy Sheriff Sharon Uhlman; *Windham County*: Sheriff Thomas White; Chief Deputy Sheriff Frank Zak.

<sup>2</sup> These cases have all been consolidated in the Judicial District of Middlesex, with two exceptions noted below. The names and docket numbers of the cases consolidated in the Judicial District of Middlesex are as follows: (1) *Walter J. Kupchunos, Jr., Sheriff, Hartford County v. Richard Blumenthal, Attorney General*, docket # CV00-0092590-S; (2) *Charles Valentino, Sr., Sheriff, Fairfield County v. Richard Blumenthal, Attorney General*, docket # CV00-0092528-S; (3) *Michael Piccoli, Sheriff, Tolland County, and Sharon Uhlman, Chief Deputy Sheriff, Tolland County v. Richard Blumenthal, Attorney General*, docket # CV00-0092577-S; (4) *Thomas W. White, Sheriff, Windham County and Frank A. Zak, Jr., Chief Deputy Sheriff, Windham County v. Richard Blumenthal, Attorney General*, docket # CV00-0092504-S; (5) *Erwyn B. Glanz, Deputy Sheriff, Hartford County v. Richard Blumenthal, Attorney General*, docket # CV00-0092760-S; (6) *Ronald Kadar, Deputy Sheriff, Fairfield County v. Richard Blumenthal, Attorney General*, docket # CV00-0092936-S; (7) *Hartford County Sheriffs Department Community Charities Association, Inc. v. Richard Blumenthal, Attorney General*, docket # CV00-0093035-S; (8) *Bruce M. Suchinski, Deputy Sheriff, Hartford County v. Richard Blumenthal, Attorney General*, docket # CV00-0093201-S; (9) *George F. Hammel, Deputy Sheriff, Fairfield County v. Richard Blumenthal, Attorney General*, docket # CV00-0093202-S; (10) *Richard Moccia, Deputy Sheriff, Fairfield County v. Richard Blumenthal, Attorney General*, docket # CV00-0093248-S. At the time that this Interim Report is issued legal briefs have been filed by all parties and a hearing is scheduled on the motions to quash for October 13, 2000 at 10:00 a.m. Another case was filed recently in the Judicial District of Middlesex captioned *Patricia Randall, Deputy Sheriff, Fairfield County v. Richard Blumenthal, Attorney General*, docket # CV00-0093389-S, which has not yet been consolidated with the other cases. In addition, there are two cases that were recently filed in other judicial districts as follows: (1) *William Nolan, Deputy Sheriff, New Haven County v. Richard Blumenthal, Attorney General*, Judicial District of New Haven, return date October 31, 2000; (2) *Mark Pesiri v. State of Connecticut, Attorney General*, Judicial District of Stamford-Norwalk, docket # CV00-0180549-S; and, (3)

access to key records, documents, and other material. A more subtle and even pernicious form of resistance has been suggestions of retaliation against individuals who may be inclined to cooperate. Sometimes subtle and implicit, these threats are grounds in and of themselves for further inquiry.

In sum, we plan to do a final report as promptly as possible, providing a full account of the material we have obtained and the information we have gathered. A truly complete report, of course, would have some account of the many good people who have performed commendable service as members of sheriff offices. By its nature and mandate, our report focuses on potential misconduct rather than good works.

Finally, our offices have taken no position on the ballot question relating to the future of sheriffs offices, and this report should not be read as taking sides or recommending one outcome or another. It is intended to be as balanced, objective and impartial as possible, offering lessons for the future and documenting areas where controls, accountability, and oversight have been lacking.

In summary, our interim findings are as follows:

**A. FIREARMS AND WEAPON MAGAZINES.**

- ♦ *The New London County Sheriff Department improperly authorized Deputy Sheriffs and Special Deputy Sheriffs to make personal purchases of firearms and weapon magazines, including items of a type restricted to law enforcement use.*
- ♦ *New London County Sheriff Gerard Egan has failed to account for all of the authorizations which may have been provided to make personal purchases of firearms and weapon magazines.*
- ♦ *Some of the firearms and weapon magazines were personally purchased — for personal use — by Deputy Sheriffs or Special Deputy Sheriffs exploiting their peace officer status.*
- ♦ *The New London County Sheriff Department improperly authorized individuals who were not sheriffs to purchase firearms and/or weapons magazines.*
- ♦ *Numerous firearms were shipped to the Judicial District Courthouse at New London, although they do not appear in sheriff property inventories.*
- ♦ *Documents associated with many firearms transactions show the seller to be the New London County Sheriff Department. These weapons never appeared in sheriff property inventories.*

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*Edward Jurgelas, Deputy Sheriff v. State of Connecticut, Attorney General*, Judicial District of Hartford, docket # CV00-0802232. The latter three cases have not yet been transferred and consolidated with the cases in Middletown.



There is no legal or policy justification for the practice of authorizing subordinates of a Sheriff to make personal purchases of firearms and weapons magazines of any type, let alone firearms or weapons magazines restricted for law enforcement use, particularly when the official duties of many of those purchasing weapons do not call for being armed. Even more egregious are those instances where private individuals, who were not Deputy Sheriffs or Special Deputy Sheriffs, were authorized to purchase weapons and high capacity magazines for use “in the performance of official duties”. These misrepresentations were knowing and material.

Such practices reveal a scheme which led vendors to believe that these firearms and weapons magazines would be used for law enforcement purposes even though they were to be personally owned and personally used by the individuals making the purchases. Sheriffs should not authorize anyone to make personal purchases of firearms or weapon magazines. Anyone permitted by law to make such personal purchases should do it on his own.

All purchases that were actually made with such authorizations should be immediately researched and identified and all firearms and weapons magazines restricted for law enforcement use should be recovered.

Accordingly, we have referred the above concerns to the Chief State’s Attorney to determine whether or not any action under Connecticut’s criminal laws is warranted.

## **B. SHERIFF BADGES & IDENTIFICATION.**

- ♦ *In several counties, Sheriffs and sheriff associations were involved in improperly issuing badges and/or identification cards to “Honorary Deputy Sheriffs” or other unauthorized individuals.*
- ♦ *Fairfield County Sheriff Charles Valentino appointed people as “Honorary Deputy Sheriffs” in exchange for paying \$150 to the Fairfield County Sheriffs Association, Inc. Honorary Deputy Sheriffs in Fairfield County received a sheriff badge, an identification card in the same form as that used for Deputy Sheriffs, and a commission authorizing them to exercise the office of Deputy Sheriff.*
- ♦ *In Litchfield County, individuals joining the sheriff association received a sheriff badge upon paying initial membership dues of \$75 to the Litchfield County Sheriff Association. For a short period of time Litchfield County Sheriff Richard Zaharek also appointed a handful of individuals associated with the Torrington Fish & Game Association, Inc. to the nonexistent position of “Associate Deputy Sheriff.”*
- ♦ *In Middlesex County, individuals who joined the Middlesex County Sheriffs’ Association, Inc. received badges.*
- ♦ *In New Haven County, individuals joining the New Haven County Sheriffs Association, Inc. commonly received badges. From our investigation there appear*

*to be at least 629 individuals who joined this association as “Honorary Deputy Sheriffs”.*

- ♦ *In New London County, there are examples of unauthorized private individuals being issued Special Deputy Sheriff badges and identification cards. These individuals used this unauthorized status to purchase firearms and high-capacity weapon magazines. At least one of these individuals, who is an oral surgeon, even assisted in the service of a capias on more than one occasion, including handcuffing and searching a person who was arrested.*
- ♦ *A civil service secretary in the Fairfield County Sheriff’s Office was improperly issued a badge and identification card as a Special Deputy Sheriff.*
- ♦ *A civil service secretary in the New Haven County Sheriff’s Office at the Waterbury courthouse was improperly given a Special Deputy Sheriff badge with a badge number corresponding to a Special Deputy Sheriff badge issued to an individual who is not a Special Deputy Sheriff. Moreover, since the individual is not a Special Deputy Sheriff the badge in question should not have been issued to him in the first instance.*
- ♦ *The policy that was adopted by the Office of the County Sheriffs in order to control Special Deputy Sheriff badges has not adequately controlled purchases of Special Deputy Sheriff badges.*

The practices concerning the issuance of badges and/or other identification to “Honorary Deputy Sheriffs” or other unauthorized individuals raise grave legal and policy concerns. These badges and identification would strongly imply to an ordinary member of the public that the holder has some official status and authority. Even more serious issues are involved in issuing “Special Deputy Sheriff” badges and identification to unauthorized individuals.

At the present time the practice of issuing authentic looking badges and identification to unauthorized individuals — individuals who are not actual Deputy Sheriffs or Special Deputy Sheriffs — is a major continuing concern. Misuse of credentials that look official has been well documented and shown to place the public in jeopardy. The ability of unauthorized individuals to obtain official looking badges and identification cards from official sources presents even greater potential for abuse. In many instances badges were sent in the mail to people who did not know and had never met the sheriffs who sent the badges.

If necessary, the very practice of issuing badges and identification cards to anyone other than those lawfully elected or appointed to valid sheriff positions could be barred by statute. At a minimum, all such badges, identification cards and/or commissions, should be collected; the Sheriffs should account for all that have ever been issued, and ensure that they are destroyed.

Finally, we have referred the above concerns to the Chief State’s Attorney to determine whether or not any action under Connecticut’s criminal laws is warranted.

### C. SHERIFF ASSOCIATIONS.

- ♦ *Some sheriff associations have misused their tax-exempt status by making political contributions, engaging in lobbying and other political activity, and providing substantial personal benefits to some of their members.*
- ♦ *Several sheriff associations, including the Connecticut State Sheriffs Association and the sheriff associations for Middlesex, New Haven, Tolland and Windham, improperly use a state courthouse as their principal place of business, and as a venue for meetings and functions. State courthouses should not be used by private organizations.*
- ♦ *The Fairfield County Sheriffs Association, Inc. has misused its tax-exempt and charitable status by using its resources for political contributions, forming a political action committee, engaging in lobbying and other political activity, and providing substantial personal benefits to some of its members.*
- ♦ *The Fairfield County Sheriffs Association, Inc. has misused its charitable status by failing to devote a substantial portion of its resources to charitable activities.*
- ♦ *The Fairfield County Sheriffs Association, Inc. has improperly subsidized liability insurance and conference expenses for Sheriff Charles Valentino.*
- ♦ *The New Haven County Sheriffs Association, Inc. has misused its tax-exempt status by using its resources for engaging in lobbying and providing substantial personal benefits to some of its members.*
- ♦ *The New Haven County Sheriffs Association, Inc. has improperly subsidized liability insurance for Sheriff Frank Kinney.*
- ♦ *Fairfield County Sheriff Charles Valentino received a travel reimbursement from the state for attendance at a National Sheriffs' Association convention for which he also received a stipend from the Fairfield County Sheriff Association, Inc.*
- ♦ *Some Deputy Sheriffs and Special Deputy Sheriffs have received unauthorized per diem compensation from the state for attendance at National Sheriffs' Association conventions. Two of them also received a stipend from sheriff associations for convention attendance.*

Sheriff associations may be liable under current law for misusing their tax-exempt status by engaging in lobbying and other political activity, subsidizing expenses of Sheriffs, and providing tangible financial benefits to particular individuals. Moreover, sheriff associations are private organizations. They should not be using state courthouses as their principal places of business.

Accordingly, we will request that the Department of Revenue Services join us in further investigation of the above concerns and whatever further action is necessary.

**D. IMPROPER USE OF A STATE SALES & USE TAX EXEMPTION NUMBER.**

- ♦ *The New London County Sheriff Department improperly authorized Deputy Sheriffs and Special Deputy Sheriffs to make personal purchases of items using a state sales and use tax exemption number.*
- ♦ *The sales and use tax exemption number provided in the authorizations by the New London County Sheriff Department simply does not exist.*
- ♦ *New London County Sheriff Gerard Egan has failed to account for all of the authorizations which may have been provided to make personal purchases of items without paying state sales tax.*

There is no justification for authorizing subordinates of the Sheriff for New London County to make personal purchases of items of any sort for which sales tax was due without paying the sales tax. These authorizations reveal a scheme which created the clear impression that the items purchased and used were purchased for the government even though they were to be personally owned by the individuals making the purchases. Sheriffs simply should not be authorizing anyone to make personal purchases of anything without paying sales tax.

Accordingly, we will request that the Department of Revenue Services join us in further investigation of the above concerns and whatever further action is necessary.

**E. CAMPAIGN FINANCE LAWS.**

- ♦ *The Fairfield County Sheriffs Association, Inc. made illegal campaign contributions, including a \$1000 contribution to the Valentino for High Sheriff campaign.*
- ♦ *The Fairfield County Sheriffs Association, Inc. inappropriately used its own resources to establish a political action committee.*
- ♦ *The political action committee formed by the Fairfield County Sheriffs Association, Inc. was misused in billing for security services provided by Fairfield County Sheriff Charles Valentino, along with several Deputy Sheriffs and Special Deputy Sheriffs at the Fairfield University Commencement.*
- ♦ *Deputy Sheriffs and Special Deputy Sheriffs contribute most of the funds which are used in the political campaigns for Sheriff elections.*

Our investigation will continue to pursue information regarding the Fairfield County Sheriffs Association, Inc. in light of its illegal contributions including one to the Valentino for

Sheriff campaign and use of assets to form a political action committee. This political action committee has misused its status. Accordingly, we will request the Elections Enforcement Commission to join in further investigation and possible action.

#### **F. CODE OF ETHICS FOR LOBBYISTS.**

- ♦ *Although lobbying is the primary function of the Connecticut State Sheriffs' Association, this association did not report all sources of funds over \$2000 as required by the Code of Ethics for Lobbyists.*
- ♦ *The lobbyist registration and financial reporting forms for the Connecticut State Sheriffs' Association were not accurate.*
- ♦ *Although the Fairfield County Sheriffs Association, Inc. has paid lobbying expenditures exceeding \$2000 it has failed to register as a lobbyist under the Code of Ethics for Lobbyists.*
- ♦ *Although the New Haven County Sheriffs Association, Inc. has paid lobbying expenditures exceeding \$2000 it has failed to register as a lobbyist under the Code of Ethics for Lobbyists.*

The Connecticut State Sheriffs' Association has not properly disclosed all sources of funds exceeding \$2000 as required by law. In addition, neither the Fairfield County Sheriffs Association, Inc. nor the New Haven County Sheriffs Association, Inc. registered as a lobbyist, as required by law, even though each has had lobbying expenditures exceeding \$2000. Accordingly, we will request the Ethics Commission to join in further investigation and possible action.

#### **G. EXTRA DUTY SECURITY SERVICES BY SHERIFFS.**

- ♦ *Fairfield County Sheriff Charles Valentino improperly arranged for uniformed Deputy Sheriffs and Special Deputy Sheriffs to perform security services at the Fairfield University Commencement and at a concert sponsored by Fairfield University. The Sheriff and all Deputy Sheriffs and Special Deputy Sheriffs present at such events were in uniform. The Sheriff and some of the Deputy Sheriffs and Special Deputy Sheriffs were armed. Funds that Fairfield University paid in connection with these events were deposited into accounts of the Fairfield County Sheriff Association, Inc. and Sheriff Charles Valentino. Extra duty work by sheriffs should not result in financial benefit to private organizations or individuals.*
- ♦ *Fairfield University paid \$1200 for the security services at the Commencement. The bill was from the political action committee formed by the Fairfield County Sheriff Association, Inc.. The check was made payable to the Fairfield County Sheriff Department and then deposited into an account belonging to the Fairfield County Sheriff Association, Inc.*

- ♦ *Fairfield University paid \$1500 for the security services at the concert. The bill was from Sheriff Valentino. This check was made payable to the Fairfield County Sheriff Department and then deposited into an account belonging to Sheriff Charles Valentino.*
- ♦ *Fairfield County Sheriff Charles Valentino was deceptive when asked by the Office of the County Sheriffs to explain what happened at the Fairfield University events.*
- ♦ *It is highly inappropriate for the Sheriff to arrange for himself, Deputy Sheriffs and Special Deputy Sheriffs to provide security services as sheriffs for the financial benefit of a private organization.*

Sheriffs should not be engaged in extra duty security work at all as sheriffs. Fairfield County Sheriff Charles Valentino should not have arranged for the use of uniformed and armed sheriffs to provide security services in exchange for financial benefit to the Fairfield County Sheriffs Association, Inc., a private organization with a history of illegal expenditures. Sheriff Valentino should not have deposited a \$1500 check made payable to the Fairfield County Sheriff Department in one of his personal bank accounts. Since we do not yet have all of the facts concerning extra duty security work by sheriffs we will investigate this issue further.

#### **H. ADMINISTRATION OF THIRD PARTY FUNDS BY SHERIFFS.**

- ♦ *We have received information that some sheriffs have not properly administered execution proceeds in their custody.*
- ♦ *Based upon evidence obtained during the course of the investigation we are concerned about the administration of these types of funds by some sheriffs. Our review of this issue is ongoing.*
- ♦ *Fairfield County Sheriff Charles Valentino has bounced some checks drawn on a trustee account, an account presumably containing money that was not Sheriff Valentino's. The checks that were returned for insufficient funds were remittances to a law firm of funds that Sheriff Valentino collected pursuant to executions that he served.*

All sheriffs who administer funds belonging to others should administer them properly. Since we have received information that such funds have not been properly administered we will investigate this issue further. We will report more fully on these issues after we obtain and review relevant records and other information.

#### **I. NATIONAL SHERIFFS' ASSOCIATION CONVENTIONS.**

- ♦ *Fairfield County Sheriff Charles Valentino received a travel reimbursement from the state for attendance at a National Sheriffs' Association convention for which*

*he also received a stipend from the Fairfield County Sheriff Association, Inc. It was wrong for Valentino to receive compensation from more than one source for this event.*

- ♦ *Some Deputy Sheriffs and Special Deputy Sheriffs have received per diem compensation from the state for attendance at National Sheriffs' Association conventions. This per diem compensation is not authorized by statute.*

Per diem compensation should not have been provided for attendance at National Sheriffs' Association conventions. Such compensation does not come within the statutory authorization for providing per diem compensation to Deputy Sheriffs and Special Deputy Sheriffs. In addition, Sheriff Valentino's receipt of travel reimbursements for attendance at the 1999 National Sheriffs' Association convention is questionable where compensation was also provided by the Fairfield County Sheriffs Association, Inc. for attending the convention. Accordingly, the Office of the County Sheriffs should take whatever action is necessary to recover state funds which were not properly paid.

# REPORT

Our interim findings and interim recommendations are explained below<sup>3</sup> <sup>4</sup>:

## **I. PERSONAL PURCHASES BY DEPUTY SHERIFFS OR SPECIAL DEPUTY SHERIFFS OF FIREARMS OR HIGH-CAPACITY WEAPON MAGAZINES.**

- ♦ *The New London County Sheriff Department improperly authorized Deputy Sheriffs and Special Deputy Sheriffs to make personal purchases of firearms and weapon magazines, including items of a type restricted to law enforcement use.*
- ♦ *New London County Sheriff Gerard Egan has failed to account for all of the authorizations which may have been provided to make personal purchases of firearms and weapon magazines.*
- ♦ *Some of the firearms and weapon magazines were personally purchased — for personal use — by Deputy Sheriffs or Special Deputy Sheriffs exploiting their peace officer status.*
- ♦ *The New London County Sheriff Department improperly authorized individuals who were not sheriffs to purchase firearms and/or weapons magazines.*
- ♦ *Numerous firearms were shipped to the Judicial District Courthouse at New London, although they do not appear in sheriff property inventories.*
- ♦ *Documents associated with many firearms transactions show the seller to be the New London County Sheriff Department. These weapons never appeared in sheriff property inventories.*

### **A. LEGAL BACKGROUND.**

Firearms and weapon magazines are heavily regulated by federal and state law. There are numerous legal provisions which govern the possession, sale and transfer of such items. Some of these legal provisions, relevant to the issues that we raise concerning authorizations to purchase

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<sup>3</sup> Testimony under oath is in most instances referred to by the arbitrary designation “S-#” rather than identifying the name of the person who provided the testimony. In addition, exhibits in this investigation that begin with the letter “R” correspond to the exhibit bearing that number, but with certain information redacted by blacking it out (the exhibit “R1” for example would correspond to investigation exhibit “1”, but with certain information blacked out) and exhibits referred to in this report that begin with the letter “X” correspond to the exhibit bearing that number, but are not included since we feel that including the exhibit even in redacted form would impede the progress of the balance of this investigation in some fashion.

<sup>4</sup> In addition, the last section of this report contains some general background information concerning the sheriff system in Connecticut.



firearms or high-capacity weapon magazines in New London County, are well known and easily summarized.

## **1. Federal Law.**

Federal law contains specific provisions with respect to the sale of firearms to law enforcement officers.<sup>5</sup> Sales to law enforcement officers — which include a certification on agency letterhead that the firearms will be used in official duties and that a records check reveals no convictions for certain crimes — are exempted from certain forms of the U.S. Bureau of Alcohol, Tobacco and Firearms. 27 CFR § 178.134(a).

In addition, high-capacity weapon magazines are now closely and rigorously controlled under federal law. Under the present regulatory scheme, authorizations by a law enforcement agency to purchase high capacity magazines have extraordinary legal significance.

Federal law provides that “[n]o person shall transfer or possess a large capacity ammunition feeding device.” 27 CFR § 178.40a(a). A “large capacity ammunition feeding device” is: “A magazine, belt, drum, feed strip, or similar device manufactured after September 13, 1994, that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition....” 27 CFR § 178.11. In other words, transferring or possessing a high capacity weapon magazine manufactured after September 13, 1994 is illegal. One of the exceptions to this prohibition is “[t]he manufacture for, transfer to, or possession by ... a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement.”<sup>6</sup> 27 CFR § 178.40a(b)(2).

Entities who import, manufacture or deal in high capacity weapon magazines are required to maintain evidence that purchases or transfers are lawful, which may include copies of purchase orders by law enforcement agencies or other authorized purchasers or letters from law enforcement officers. 27 CFR § 178.40a(c). Such entities may only transfer high capacity weapon magazines manufactured after September 13, 1994 to law enforcement officers with a written statement that the weapon or device is “being purchased for use in performing official duties and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale” and a written statement from a supervisor of the purchasing officer “stating that the purchasing officer is acquiring the weapon or device for use in official duties, that the firearm is suitable for use in performing official duties, and that the weapon or device is not being acquired for personal use or for purposes of transfer or resale.” 27 CFR § 178.132(a). Similarly, sale of firearms to law enforcement officers which include a certification on agency letterhead that the firearms will be used in official duties and that a records check reveals no convictions for certain crimes are exempted from certain forms of the U.S. Bureau of Alcohol, Tobacco and Firearms. 27 CFR § 178.134(a).

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<sup>5</sup> There are also numerous provisions concerning sales to private individuals. Since we are only raising concerns with respect to firearms transactions for which certifications of law enforcement status were provided, we have not summarized the law concerning sales to private individuals.

<sup>6</sup> Another exception is possession of a high capacity weapon magazine lawfully possessed on September 13, 1994. 27 CFR § 178.40a(b)(1). This exception does not apply here since all of the authorizations for purchase of high capacity weapon magazines referred to in this report were issued after this date.

## **2. State Law.**

Connecticut law regulates many facets of firearms transactions. This well-established statutory framework includes purchase, sale, delivery, receipt and carrying of firearms.

Ordinarily there is a waiting period for the sale, delivery or transfer of a pistol or revolver. Conn. Gen. Stat. § 29-33(e). A number of categories of law enforcement officers, including sheriffs, are exempted from this waiting period. Conn. Gen. Stat. § 29-33(e). Similarly there is a waiting period for the delivery of any other firearm. Conn. Gen. Stat. § 29-37a. A number of categories of law enforcement officers, including sheriffs, are exempted from this waiting period. Conn. Gen. Stat. § 29-37a.

Carrying a pistol or revolver is regulated. A pistol or revolver may not be carried outside of a person's home or place of business without a permit to carry. Conn. Gen. Stat. § 29-35(a). A person convicted of a felony and of certain misdemeanors may not be granted a permit to carry. Conn. Gen. Stat. § 29-28(b). Under Conn. Gen. Stat. § 29-32, if an existing permit holder is convicted of such offenses, the permit "shall be revoked." A number of categories of law enforcement officers, including sheriffs, are exempted from the requirement to have a permit to carry a firearm. Conn. Gen. Stat. § 29-35(a). Hence, the anomalous possible situation that a person who may not be able to obtain a permit to carry a pistol or revolver due to a conviction could nevertheless avoid the permit requirement by being a sheriff.

Since October 1, 1995 Connecticut law has prohibited purchase or receipt of pistols or revolvers unless the purchaser hold a valid permit to carry, permit to sell, or eligibility certificate. Conn. Gen. Stat. § 29-36j. No one may be issued an eligibility certificate who has been convicted of certain offenses or is subject to a restraining order involving the use or threat of use of physical force against another, among other things. Conn. Gen. Stat. § 29-36f(b). A number of categories of law enforcement officers, including sheriffs, are exempted from the prohibitions of Conn. Gen. Stat. § 29-36j.

While Connecticut law regulates many facets of firearms transactions, law enforcement officers are almost uniformly exempted from these laws. Sheriffs are typically included in the law enforcement exemptions.<sup>7</sup>

### **B. AUTHORIZATIONS TO MAKE PERSONAL PURCHASES IN NEW LONDON COUNTY.**

The Sheriff for New London County has on several occasions authorized Deputy Sheriffs or Special Deputy Sheriffs to make personal purchases of firearms or high-capacity weapon magazines. Such authorizations were typically made on the official letterhead of the Sheriff. This pattern differs markedly from the common practice of police departments to purchase and issue weapons for official law enforcement use. Police departments purchase and issue duty weapons to properly trained law enforcement personnel who have an actual need for such weapons in the normal course of their duties.

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<sup>7</sup> On the other hand, sheriffs are not included in the list of law enforcement officers who may possess assault weapons. Conn. Gen. Stat. § 53-202c(b).

Purchases of firearms and weapon magazines need to be evaluated in the context of the actual duties that are performed by sheriffs in Connecticut, as compared to police officers, for example. While historically sheriffs in Connecticut have broad authority, they have not served the customary law enforcement functions performed by police officers in modern times. Special Deputy Sheriffs typically perform courthouse security and prisoner transportation functions. These functions have not involved arming sheriffs. This custom formalized in 1999 in a policy making it clear that sheriffs in courthouses were not to be armed. Ex. 1226. Similarly, the typical function of Deputy Sheriffs is to serve civil papers in connection with the judicial process. This function likewise has not customarily required Deputy Sheriffs to be armed. By contrast, police officers have a bona fide need to be armed. Few if any normal sheriff duties in Connecticut require them to be armed at all, let alone with restricted high capacity weapon magazines.

After the New London County Sheriff authorized the purchase of weapons and high capacity magazines, these items became the personal property of the sheriffs who bought them for personal use with no supervision or oversight. This practice is completely different from standard police procedure relating to duty weapons with a high capacity magazine issued by police departments for use by sworn officers.

Authorizations were provided to Deputy Sheriffs or Special Deputy Sheriffs to personally purchase firearms on several occasions.<sup>8</sup> These authorizations included the certification that the requested firearm would be used “in the performance of official duties.” Ex. 1019; Ex. 1020; Ex. 1024; Ex. 1025; Ex. 1028. Most of these authorizations were on Sheriff Egan’s official letterhead. Ex. 1019; Ex. 1020; Ex. 1024; Ex. 1025; Ex. 1029; Ex. 1170.

Authorizations were provided to Deputy or Special Deputy Sheriffs to personally purchase high capacity magazines on a number of occasions. Examples of such letters, on Sheriff Egan’s official letterhead and signed by Chief Deputy Sheriff Thomas Connors,<sup>9</sup> include the following text:

These magazines will be for law enforcement use only and not for resale. The authorized officer(s) also agree to these restrictions as evidenced by the counter signatures at the bottom of this letter. For purposes of this letter, high capacity magazines are defined as magazines having more than ten round capacity for the caliber of round intended for that particular magazine.

Ex. R32; Ex. 1021; Ex. 1022; Ex. 1023.

There were other authorizations for purchases of high capacity weapon magazines for official use that had different text. Ex. 1026; Ex. 1027; Ex. 1028; Ex. 1029; Ex. 1068; Ex. 1170. Many of the authorizations for personal purchases of firearms also included authorizations to

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<sup>8</sup> Several of those authorizations include Chief Deputy Sheriff Thomas Connors authorizing a purchase to be made by himself. Ex. 1019; Ex. 1020.

<sup>9</sup> Several of those authorizations include Chief Deputy Sheriff Thomas Connors authorizing a purchase to be made by himself. Ex. 1021; Ex. 1022 (although this authorization was for Martin Lane, Connors signed as the officer who received the authorization).

make personal purchases of high capacity weapon magazines. Ex. 1019; Ex. 1021; Ex. 1024; Ex. 1025.

These authorizations to purchase firearms or high capacity weapon magazines certainly appear to be an attempt to satisfy the provisions of federal law concerning such purchases. The contents of these documents strongly imply or explicitly state that the firearms and high capacity weapon magazines are in fact being acquired for law enforcement purposes, rather than becoming the personal property of the purchasers for personal use. The problem is that these purchases that were actually made in New London County were personal purchases by sheriffs whose duties did not require them to be armed with firearms equipped with high capacity magazines.

We have attempted to obtain information from Sheriff Gerard Egan and the New London County Sheriff Department to identify, among other things, all such authorizations. This information was the subject of subpoenas issued on June 1, 2000. Ex. 342; Ex. 343. When Sheriff Egan produced limited information which did not explain who was given such authorizations we followed up on the subpoena by letter dated June 16, 2000, giving Sheriff Egan a sample of the authorizations that we were seeking. Ex. 344. We received a response from Sheriff Egan on June 22, 2000 along with three sample letters. Ex. 345. That response did not include all such authorizations that Sheriff Egan or Chief Deputy Sheriff Thomas Connors had previously provided. Accordingly we followed up again on June 28, 2000. Ex. 346. This produced a short letter from Sheriff Egan, dated July 6, 2000, essentially restating his previous letter and a longer letter, dated July 28, 2000, which, among other things, claimed that records were improperly removed from his office. Ex. 347; Ex. 348. We sent another letter, dated August 2, 2000, specifically requesting that Sheriff Egan reconstruct as best as he can whom all such authorizations were provided to, as well as certain additional information concerning the authorizations. Ex. 349. By letter dated August 14, 2000 Sheriff Egan indicated: "I have provided all written information that is in my possession." Ex. 350. However, he has still not accounted for all such authorizations that he or Chief Deputy Sheriff Thomas Connors may have given. Most of the authorizations that are attached to this report were obtained from sources other than records of the New London County Sheriff Department.

The practice of providing such authorizations raises profoundly significant and troubling issues of law and policy. So does Sheriff Egan's apparent inability to adequately document such authorizations.

### **C. USE OF PEACE OFFICER STATUS TO MAKE PURCHASES.**

The existence of authorizations for Deputy Sheriffs or Special Deputy Sheriffs to make personal purchases of firearms and weapon magazines creates a significant risk that purchases are made by virtue of sheriff status alone. Those purchases that were made by individuals who relied on their sheriff status and who do not have permits to carry circumvent many of the safeguards central to our firearms laws. A convicted felon who happens to be a sheriff could purchase a firearm without having to adhere to the statutory waiting period. Moreover, a person who does not have a valid law enforcement use for high capacity weapon magazines could make such a purchase with an authorization like one highlighted in this report.

Our review of records associated with firearms purchases concerning the New London County Sheriffs Department shows that firearms have actually been purchased relying on sheriff status alone. Some of the forms associated with such transactions refer to a pistol permit number as well as status as a sheriff, while others refer only to sheriff status.<sup>10</sup>

**1. Many Purchases Were Made In Which Sheriff Status Was Reflected On The Documentation Associated With the Purchase.**

Sheriff Gerard Egan and numerous Deputy Sheriffs and Special Deputy Sheriffs purchased firearms or weapons magazines in transactions in which their sheriff status was identified on the relevant documentation. Some of the purchases were made from Reloads, Inc. in Manchester, Connecticut.<sup>11</sup> Others were made from Interstate Arms Corp. in Massachusetts.<sup>12</sup>

As an example, there is a Special Deputy Sheriff who has performed exclusively clerical functions in the New London County Sheriff Department since 1995. B. McGuire 9/11/2000, pp. 10 - 11, 11 - 13, 24 - 25, 48. This Special Deputy Sheriff's duties are "[t]yping, filing, answering the phone, dealing with the public when they come into the office with their paperwork." B. McGuire 9/11/2000, p. 12. She testified as follows concerning her *not* having performed law enforcement functions since she was appointed as Special Deputy Sheriff in 1995:

Q Now let's go back to your duties for a moment. Have you ever performed courthouse security duties?

A No.

Q Have you ever performed prisoner transportation duties?

A No.

Q Have you ever performed cell block duties?

A No.

Q Have you ever assisted in the execution of capias?

A Yes.

Q When was that?

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<sup>10</sup>Just to be clear, a person who has a valid permit to carry a handgun may lawfully purchase a handgun by virtue of having the pistol permit, whether or not that person is a sheriff and whether or not that person's sheriff status is disclosed on the forms associated with the transaction. However, in order for the pistol to come equipped with a high capacity magazine the purchaser would have to have documentation showing a valid authorization to use the weapon and high capacity magazine for law enforcement purposes. Documents associated with firearms transactions do show the make, model and serial number of the weapon, but do not show the magazine that the weapon is equipped with. Accordingly, we cannot tell from the documents that we have reviewed whether or not the purchases that also show a pistol permit number did or did not include a high capacity weapon magazine.

<sup>11</sup>This company is no longer in business as the principal of the business is deceased.

<sup>12</sup>Interstate Arms Corp. had an arrangement to sell to law enforcement agencies which required an authorization letter on official letterhead. Ex. 1035.

A Actually, I'm sorry. It wasn't a capias. It was -- I assisted a deputy for a child, removing a child from the mother to give it to the father, so they needed a female there.

Q How many times did you do that?

A I believe it was just once.

Q Was that done in the courthouse?

A No.

Q Do you recall which deputy you assisted?

A Sheriff Heap.

Q Have you ever served any criminal papers of any sort?

A No.

Q Have you ever served any civil papers of any sort?

A No.

Q Have you ever exercised any law enforcement functions?

A No.

B. McGuire 9/11/2000, pp. 24 - 26.

Notwithstanding her lack of law enforcement duties, this Special Deputy Sheriff received multiple authorizations to purchase high capacity magazines "for law enforcement use." Ex. 32, Ex. 585, Ex. 586. She also purchased at least four firearms using her sheriff status. She acknowledged that she never had a permit of any sort to purchase or carry any firearm. B. McGuire 9/11/2000, pp. 5 - 6. She purchased several firearms using her sheriff status. Ex. 587; Ex. 588; Ex. 589; Ex. 590; B. McGuire 9/11/2000, pp. 34 - 46. Her testimony about the weapon magazines that she has was inconsistent. She testified that she does own the weapon magazines that came with the firearms she purchased. B. McGuire 9/11/2000, p. 27. She claims not to know the number of weapon magazines she owns. B. McGuire 9/11/2000, p. 27. She did receive multiple authorizations to purchase high-capacity weapon magazines. Ex. 32, 585, 586. She acknowledges that it is her signature on these authorizations. B. McGuire 9/11/2000, pp. 31, 33. It was her understanding that the weapon magazines purchased with the authorizations were of a sort restricted for law enforcement use. B. McGuire 9/11/2000, pp. 33, 34. However, when asked specifically about the weapon magazines that came with specific pistols that she purchased, she testified that she did not recall. B. McGuire 9/11/2000, pp. 38, 41, 44, 46. She also testified that she never sold or otherwise transferred any firearm or magazine to any other person. B. McGuire 9/11/2000, pp. 47 - 48. Thus, according to her, any such firearm or magazine that she purchased is still in her possession. B. McGuire 9/11/2000, p. 48.

There are numerous other similar instances of firearms purchases by Sheriff Gerard Egan, Deputy Sheriffs and Special Deputy Sheriffs in New London County. Forms associated with a

firearm purchased by Sheriff Egan show a pistol permit number as well as his sheriff status. Ex. 1057. At least 8 Deputy Sheriffs made firearms purchases specifically citing their sheriff status on documentation. Ex. 1030 through Ex. 1033; Ex. 1037 through Ex. 1039; Ex. 1048; Ex. 1058 through Ex. 1062; Ex. 1069; Ex. 1154 through Ex. 1158; Ex. 1161; Ex. 1164; Ex. 1165. Another 27 Special Deputy Sheriffs, and possibly more, made firearms purchases specifically citing their sheriff status was shown on documentation. Ex. 1034; Ex. 1036 through Ex. 1044; Ex. 1046; Ex. 1047; Ex. 1049 through Ex. 1052; Ex. 1063 through Ex. 1065; Ex. 1069 through 1081; Ex. 1160; Ex. 1162; Ex. 1163; Ex. 1166 through Ex. 1168.

Some of these firearms purchases include a pistol permit number on the forms as well as status as a sheriff. Assuming the validity of the pistol permit, the purchases of the firearms themselves would have been valid even without sheriff status cited on the forms. A law enforcement authorization is, of course, required for the firearm to come equipped with a high capacity magazine. However, some of the forms reflecting firearms transactions only show sheriff status. The transactions showing only sheriff status are the ones that are the most troubling. Purchases made by individuals using their sheriff status, who do not have permits to carry, circumvent many of the safeguards built in to our firearms laws. A convicted felon who happens to be a sheriff could purchase a firearm without having to adhere to the statutory waiting period. A person lacking any valid law enforcement use for high capacity weapon magazines could make such a purchase with such an authorization.

## **2. Firearm and Weapon Magazine Purchases Authorized By The New London County Sheriff Department for Individuals Who Were Not Sheriffs.**

In the course of reviewing information concerning firearms and weapon magazine authorizations and purchases in connection with the New London County Sheriff Department we also found instances of the New London County Sheriff Department providing such authorizations to individuals who were not actually sheriffs.

There are two such instances involving individuals who are oral surgeons who were improperly provided badges and identification as Special Deputy Sheriffs. The issuance of the badges and identification as Special Deputy Sheriffs is further discussed in the portion of this report which documents concerns with respect to issuance of sheriff credentials.

Sheriff Egan provided an authorization to one of them to use a requested firearm and “large capacity ammunition feeding devices” in the performance of official duties and not for personal use or for purposes of transfer or resale.<sup>13</sup> Ex. 1170; Berke 10/2/2000, pp. 8 - 9, 14 - 15. While this individual testified that he never purchased the firearm referred to in the letter, he did purchase approximately six high capacity weapon magazines. Berke 10/2/2000, pp. 14 - 15, 20 - 21. Berke 10/2/2000, pp. 9 - 10. He never could have purchased these magazines without the authorization.

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<sup>13</sup>We obtained this document from this oral surgeon himself pursuant to a subpoena. Sheriff Egan never provided this document, or others like it, in response to subpoenas that we had previously issued to Sheriff Egan and to the New London County Sheriff Department. Ex. 342; Ex. 343.

The other oral surgeon who was issued a Special Deputy Sheriff badge and identification used this putative status to obtain a pistol. In fact, documents show that the New London County Sheriff Department was the seller of a pistol to him. Ex. 1053. While these forms also show a pistol permit number, they show this individual's occupation as "OMFS DEPUTY". Ex. 1053. According to his testimony "OMFS" stands for Oral and Maxillofacial Surgeon. Sanfilippo 10/2/2000, p. 14. This documentation does not reveal whether or not this weapon came with a high capacity magazine.

### **3. Conclusion.**

Clearly, the purposes of the federal rules that make special provision for law enforcement officers — either by exempting them from certain requirements in connection with firearms transactions or by permitting them to possess high capacity weapon magazines denied to the general public — is the need to be armed in their public safety enforcement mission. The required certifications must recite the contemplated law enforcement use. They must state that the items are not being acquired for personal use or resale. In fact, the authorizations provided in New London County included such recitations.

Similarly, Connecticut law makes special provision for law enforcement officers. A police officer, for example, is not required to obtain a permit to carry a handgun. Police officers are highly trained, and are expected in Connecticut, and elsewhere, to be armed for legitimate public safety reasons.

Whatever their duties decades ago, sheriffs now simply do not have comparable law enforcement duties. They do not serve the customary functions of police officers, investigating crime, apprehending lawbreakers, stopping altercations, or other similar tasks. Special Deputy Sheriffs generally perform courthouse security and prisoner transportation functions. Typically, these functions have not involved arming sheriffs. Indeed this custom was formalized in 1999 in a policy making it clear that sheriffs in courthouses should not be armed. Ex. 1226. Similarly, the typical function of Deputy Sheriffs is to serve civil papers in connection with the judicial process. This function does not customarily require Deputy Sheriffs to be armed.

Accordingly, firearms and high capacity magazine purchases by sheriffs need to be evaluated in the context of the functions that sheriffs actually perform. Sheriffs in Connecticut have not typically performed functions requiring them to be armed, let alone armed with weapons equipped with high capacity magazines. The documents generated by Sheriff Egan and Chief Deputy Sheriff Connors purposely created the clear, unequivocal impression among vendors that firearms and high capacity weapon magazines were going to be used for legitimate law enforcement purposes when in fact these weapons and high capacity weapon magazines were privately owned and only used for personal purposes.



**D. FIREARMS AND WEAPON MAGAZINES WERE SHIPPED TO THE NEW LONDON COUNTY SHERIFF DEPARTMENT AT THE JUDICIAL DISTRICT COURTHOUSE IN NEW LONDON.**

Records concerning purchases from Interstate Arms Corp., specifically including shipping documents, show the entity to whom the firearms and weapons magazines were sold as New London County Sheriffs. Ex. 1036 through Ex. 1045. These same shipping documents show that these firearms and weapons magazines were actually shipped to the New London County Sheriff Department at the Judicial District Courthouse at 70 Huntington Street, New London, CT. Ex. 1036 through Ex. 1045.

According to the State of Connecticut Property Control Manual issued by the Comptroller, all agencies are required to keep an inventory of certain property, including controllable property, specifically including “weapons”. Ex. 1099.<sup>14</sup> “Controllable assets must be inventoried on a regular basis...” Ex. 1099. In response to our specific inquiry of the Office of the County Sheriffs as to whether any of these firearms or weapon magazines were ever included on the inventory records with respect to New London County, we were informed that no weapons of any sort were reflected on the inventory records.

Shipping firearms and weapons magazines to a state courthouse, and the complete absence of proper inventory records regarding clearly controllable property, raise very compelling legal and policy issues worthy of further review.

**E. THE NEW LONDON COUNTY SHERIFF DEPARTMENT IS SHOWN AS THE DEALER OR SELLER FOR NUMEROUS FIREARMS TRANSFERS.**

Records concerning firearms transactions include forms showing the New London County Sheriff Department as the dealer or seller of firearms. Ex. 1046; Ex. 1047; Ex. 1049; Ex. 1050; Ex. 1051; Ex. 1052; Ex. 1053; Ex. 1058. As noted in the previous section there is an almost perfect correlation between these documents and pistols shipped to the New London County Sheriff Department at the Judicial District Courthouse in New London.<sup>15</sup>

The New London County Sheriff Department should not be engaged in transferring firearms to any individuals. It certainly should not be serving as the conduit for firearms and weapon magazines being personally purchased by Deputy Sheriffs or Special Deputy Sheriffs.

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<sup>14</sup>This exhibit is an excerpt of the State of Connecticut Property Control Manual including the portions that are relevant to controllable items.

<sup>15</sup>One of the firearms shipped by Interstate Arms Corp. is shown as having been sold by Len’s Firearms & Marine Equip. Co. Ex. 1048. Len’s Firearms is a dealer in firearms licensed by the U.S. Department of the Treasury - Bureau of Alcohol, Tobacco and Firearms. The licensee is Leonard Weinberg. Ex. 1153. Leonard Weinberg is a Deputy Sheriff for New London County.

## **F. THE NEW LONDON COUNTY SHERIFF DEPARTMENT DOES NOT MAINTAIN ADEQUATE INVENTORY RECORDS CONCERNING CONTROLLED ITEMS SUCH AS FIREARMS AND WEAPON MAGAZINES.**

According to the State of Connecticut Property Control Manual issued by the Comptroller all agencies are required to keep an inventory of certain property, including controllable property, specifically including “weapons”. Ex. 1099.<sup>16</sup> “Controllable assets must be inventoried on a regular basis...” Ex. 1099.

As noted in the above sections of this report, the New London County Sheriff Department has been the recipient of firearms and weapon magazines shipped to it at the Judicial District Courthouse in New London. The New London County Sheriff Department is also shown as the dealer or seller for numerous firearms, as noted above. None of these items were shown on inventory records.

In addition, there are additional records of shotguns, bayonets and scabbards being transferred from the New London County Sheriff Department to two police departments. Ex. 1054; Ex. 1055; Ex. 1056. These weapons also do not appear on inventory.

There is no valid legal or policy reason why weapons and weapon magazines which were shipped to the New London County Sheriff Department at the Judicial District Courthouse in New London, reflected on firearms transaction forms as having been sold or transferred by the New London County Sheriff Department, or otherwise shown as having been transferred by the New London County Sheriff Department, should not be included in inventory records for the New London County Sheriff Department. There is no excuse for the Office of the County Sheriffs and Sheriff Gerard Egan failing to insure that property inventory procedures are properly followed and that the inventory is accurate. They should take immediate steps to correct this serious problem.

## **G. REVISIONS IN CONNECTICUT FIREARMS LAWS SHOULD BE CONSIDERED.**

The firearms practices of sheriffs in New London County highlight a potential flaw in Connecticut firearms laws. The current provisions of Conn. Gen. Stat. §§ 29-33(e), 29-35(a), 29-36f, 29-37a exempt a number of categories of law enforcement officers, including sheriffs, from a number of legal requirements associated with the purchase or carrying of firearms.<sup>17 18</sup>

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<sup>16</sup>This exhibit is an excerpt of the State of Connecticut Property Control Manual including the portions that are relevant to controllable items.

<sup>17</sup>On the other hand, sheriffs are not included in the list of law enforcement officers who may possess assault weapons. Conn. Gen. Stat. § 53-202c(b).

<sup>18</sup>This is a particular concern since it is well known that there are some sheriffs who have criminal records. Under the provisions of Conn. Gen. Stat. § 29-28(b) a person convicted of a felony and of certain misdemeanors may not be granted a permit to carry a pistol or revolver. Under Conn. Gen. Stat. § 29-32 if an existing permit holder is convicted of such offenses the permit “shall be revoked.” This creates the anomalous situation where a person who may not be able to obtain a permit to carry a pistol or revolver due to a conviction could nevertheless avoid the permit requirement through having status as a sheriff.

There are compelling reasons for police and other law enforcement officers to be armed, as compared to sheriff departments. Almost without exception such law enforcement officers who are armed receive very extensive training not only in marksmanship and firearm safety, but also in when and how to use, or more importantly how not to use, deadly. Police departments typically issue the actual weapons that law enforcement officers are to use in connection with official duties only for official use. They also mandate periodic training by officers who are armed to insure that the training of the officers is up to date. Connecticut laws should be updated to eliminate the anomalies noted in this report concerning sheriff status.<sup>19</sup>

## **H. CONCLUSION & RECOMMENDATIONS.**

Reforms in practice and procedure are necessary to stop authorizations to subordinates of the Sheriff for New London County, along with other unauthorized individuals, to make personal purchases of firearms and weapons magazines of any sort, let alone firearms or weapons magazines of a type restricted for law enforcement use. These practices involved a scheme that led vendors to believe that these firearms and weapons magazines were going to be used for law enforcement purposes even though they were to be personally owned by the individuals making the purchases. To take just one example, what possible law enforcement use could a Special Deputy Sheriff who really functions only as a secretary, have for 4 Beretta pistols or multiple high-capacity magazines? The scheme was abetted by the practice of actually shipping the firearms and weapon magazines to the sheriff's office at the New London Judicial District Courthouse.

As noted above, some shipping documents for firearms and weapon magazines clearly reflect shipments to the New London Sheriff's Department at its courthouse office. The inventory records for this office do not show any of these firearms or weapon magazines. Inventory procedures for controllable items such as firearms and weapon magazines were plainly ignored.

Moreover, there were no appropriations of state funds made for the New London County Sheriff Department to purchase firearms of any sort. As far as we know, state funds were not used to purchase any of the firearms that were shipped to the courthouse. Yet, the documentation associated with these firearms purchases shows them as sold to the New London County Sheriff Department and shipped to the New London County Sheriff Department at the courthouse. There is also documentation showing the New London County Sheriff Department as the seller of many of these firearms to individual sheriffs (and to one individual who was not a sheriff). If these weapons were actually acquired by the New London County Sheriff Department, they should

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<sup>19</sup> A larger question perhaps prompted by this practice relates to issuance of firearms to officers who have law enforcement status. In light of the fact that weapons for official use are typically purchased and issued by police departments themselves, which categories of law enforcement officers really should be exempted from firearms laws, if any? Which types of law enforcement officers should be permitted to carry pistols or revolvers without a permit to carry, on or off duty, or both on and off duty? Clearly some should, and should be appropriately trained. Perhaps other categories of law enforcement officers, such as sheriffs in Connecticut who do not generally perform the types of duties that call for being armed, should not. The Chief State's Attorney and the Commissioner of Public Safety, whose agencies are the subject matter experts in criminal justice issues, may wish to evaluate these concerns in consultation with whatever other representatives of the law enforcement community they feel appropriate, in order to suggest to the General Assembly appropriate improvements in our laws.

have been properly inventoried and accounted for. If not, then they should not have been shipped to the New London County Sheriff Department at the New London courthouse and certainly should not have been shown on firearms transactions forms as being sold or transferred by the New London County Sheriff Department.

Equally troubling is Sheriff Gerard Egan's inability to account for the authorizations to purchase firearms or weapon magazines. He was simply unable to do so.

There is no legal or policy basis for Sheriffs in Connecticut authorizing anyone to make personal purchases of firearms or weapon magazines. People permitted by law to make such personal purchases should do it on their own. All purchases that were actually made with such authorizations should be immediately researched and identified and all firearms or weapon magazines truly restricted for law enforcement should be recovered. Firearms or weapon magazines that are no longer owned by the persons who purchased them personally should be traced. Finally, proper inventory procedures should be implemented.

## **I. SUMMARY & REFERRAL TO CHIEF STATE'S ATTORNEY.**

Connecticut's firearms laws all have a criminal component. Accordingly, we are referring the issues concerning firearms to the Chief State's Attorney to determine whether or not any action under Connecticut's criminal laws is warranted.

## **II. SHERIFF BADGES AND IDENTIFICATION.**

- ♦ *In several counties, Sheriffs and sheriff associations were involved in improperly issuing badges and/or identification cards to "Honorary Deputy Sheriffs" or other unauthorized individuals.*
- ♦ *Fairfield County Sheriff Charles Valentino appointed people as "Honorary Deputy Sheriffs" in exchange for paying \$150 to the Fairfield County Sheriffs Association, Inc. Honorary Deputy Sheriffs in Fairfield County received a sheriff badge, an identification card in the same form as that used for Deputy Sheriffs, and a commission authorizing them to exercise the office of Deputy Sheriff.*
- ♦ *In Litchfield County, individuals joining the sheriff association received a sheriff badge upon paying initial membership dues of \$75 to the Litchfield County Sheriff Association. For a short period of time Litchfield County Sheriff Richard Zaharek also appointed a handful of individuals associated with the Torrington Fish & Game Association, Inc. to the nonexistent position of "Associate Deputy Sheriff."*
- ♦ *In Middlesex County, individuals who joined the Middlesex County Sheriffs' Association, Inc. received badges.*

- ♦ *In New Haven County, individuals joining the New Haven County Sheriffs Association, Inc. commonly received badges. From our investigation there appear to be at least 629 individuals who joined this association as “Honorary Deputy Sheriffs”.*
- ♦ *In New London County, there are examples of unauthorized private individuals being issued Special Deputy Sheriff badges and identification cards. These individuals used this unauthorized status to purchase firearms and high-capacity weapon magazines. At least one of these individuals, who is an oral surgeon, even assisted in the service of a capias on more than one occasion, including handcuffing and searching a person who was arrested.*
- ♦ *A civil service secretary in the Fairfield County Sheriff’s Office was improperly issued a badge and identification card as a Special Deputy Sheriff.*
- ♦ *A civil service secretary in the New Haven County Sheriff’s Office at the Waterbury courthouse was improperly given a Special Deputy Sheriff badge with a badge number corresponding to a Special Deputy Sheriff badge issued to an individual who is not a Special Deputy Sheriff. Moreover, since the individual is not a Special Deputy Sheriff the badge in question should not have been issued to him in the first instance.*
- ♦ *The policy that was adopted by the Office of the County Sheriffs in order to control Special Deputy Sheriff badges has not adequately controlled purchases of Special Deputy Sheriff badges.*

Among the concerns expressed to us was that some Sheriffs were issuing sheriff badges and identification cards to unauthorized individuals. It was revealed during the course of our investigation that this concern was meritorious. The most egregious concern was the issuance of sheriff badges and identification to individuals in several counties who were not sheriffs. There were also additional badge accountability issues that came to light in connection with this review.

## **A. HONORARY DEPUTY SHERIFFS.**

Sheriffs have commonly made individuals “Honorary Deputy Sheriffs” in several counties, sometimes as a result of the payment of money to a sheriff association. Typically a sheriff badge would be included with “Honorary Deputy Sheriff” status. In some instances there would be an identification card and/or certificate.

### **1. Fairfield County.**

The initial membership fee for honorary members in the Fairfield County Sheriffs Association, Inc. is \$150. Ex. R133, R141. This fee includes an appointment certificate, identification card and badge. According to the minutes of a meeting of the Fairfield County Sheriffs Association, Inc., Charles Valentino informed a meeting of the association on April 20,

1999 (after he was elected Sheriff, but prior to assuming office) that “5-point badges for honorary deputies *will sell for* \$150.00 including cases (our cost being \$25.00), and their mandatory background checks will cost them \$65.00.” Ex. 199 (emphasis added). There is no indication in any of the records of the Fairfield County Sheriffs Association, Inc. of the receipt of any funds earmarked towards background checks or of any expenses for background checks.

Two Honorary Deputy Sheriffs who testified indicated that they met with Sheriff Valentino at his office in the Superior Court for the Judicial District of Fairfield and filled out paperwork, gave him checks (payable to the Fairfield County Sheriffs Association, Inc.) in the amount of \$150.00, and received badges and identification cards at that time. S-108, pp. 10 - 16; S-126, pp. 8 - 15. There is a membership application for Honorary Deputy Sheriff status in Fairfield County. Ex. R529. This membership application makes express reference to a badge and identification card as being the property of the “Fairfield County Sheriff Department.” Ex. R529.

Badges for Honorary Deputy Sheriffs in Fairfield are 5-point gold color sheriff stars including the text “Honorary”, “Fairfield County”, a badge number and the state seal in the center.<sup>20</sup> Ex. R131, R138. This is distinguished from the badge of a Deputy Sheriff for Fairfield County which is a 7-point gold color sheriff star including the text “Deputy Sheriff”, “Fairfield County”, with a badge number and the state seal in the center. Ex. R135. As Sheriff Valentino explained, the types of badges at the April 20, 1999 association meeting: “[W]e will keep our present 7-point badges, the special deputies will keep their present 5-point badges, and 5-point badges for honorary deputies will sell for \$150.00...” Ex. 199. The Fairfield County Sheriffs Association, Inc. also facilitated the sale of a “millennium badge” by Sheriff Valentino for \$52.00 as reflected in the minutes of its January 18, 2000. Ex. 206. A former Honorary Deputy Sheriff who did not renew his status was *not* asked to return his badge upon his “honorary” status expiring. S-144, p. 7.

The appointment certificate for Honorary Deputy Sheriffs in Fairfield County appears to be the same form as that used to appoint Deputy Sheriffs, although the word “Honorary” is typed in. Of particular significance is that the appointment certificate for Honorary Deputy Sheriffs in Fairfield County is the following text: “And I do hereby grant unto the individual, the said [name] power and authority as my Deputy throughout the said County of Fairfield to use and exercise the office of Deputy Sheriff, according to the laws of this State relating to the office of Deputy Sheriff...” Ex. R129, R140. These certificates are signed by Sheriff Charles M. Valentino, Sr. Ex. R129, R140. In other words, these certificates signed by Sheriff Valentino himself purport to authorize Honorary Deputy Sheriffs, who have no official status whatsoever, to act as Deputy Sheriffs. It is also significant that the form used by Sheriff Valentino is different from an example of the form used by Sheriff Edwin Mak, Valentino’s predecessor. The example of the form used when Mak was Sheriff appointed the Honorary Deputy Sheriff “as my Deputy ... to use and exercise the office of Honorary Deputy Sheriff...” Ex. R746. While Mak should not have appointed the Honorary Deputy Sheriff as his “Deputy” his appointment certificate clearly authorized only the use of the “office of Honorary Deputy Sheriff.” Since there is no office of

<sup>20</sup>This is different in style from the “Honorary Deputy Sheriff” badges issued under the former Sheriff. The older style badge is a 7-point gold color sheriff star including the text “Honorary”, “Deputy Sheriff”, “Fairfield County”, with a badge number and the state seal in the center. Ex. R744. The older style “Honorary Deputy Sheriff” badge is identical to the “Deputy Sheriff” badge, except for the panel that says “Honorary” at the top. Ex. R135, Ex. R744.

Honorary Deputy Sheriff known to Connecticut law, Mak's appointment did not empower an Honorary Deputy Sheriff to do anything. Valentino's appointment certificate, on the other hand, inappropriately and illegally purports to empower Honorary Deputy Sheriffs to exercise the office of Deputy Sheriff.

The identification card for an Honorary Deputy Sheriff in Fairfield County notes the title of the holder of the card as "Deputy Sheriff", although on a separate line there is a notation of an "honorary" restriction. Ex. R131, R132. This is the same form of identification card as that used for Deputy Sheriffs. Ex. R135, R136. It is also the same form of identification card as that used for Special Deputy Sheriffs. Ex. 97. We are aware of one Honorary Deputy Sheriff whose identification card did not contain the "honorary" restriction typed on it — in the line for restrictions this card has the word "NONE". Ex. R138, R139. Here too Sheriff Valentino's practice is different from his predecessor. The late Sheriff Mak issued an identification card that merely identified the person as an Honorary Deputy Sheriff, as shown by one example. Ex. R745. On the other hand, as noted above, the identification cards issued by Sheriff Valentino to Honorary Deputy Sheriffs are in the same form as those issued to Deputy Sheriffs.

We have identified 56 individuals who have purchased Honorary Deputy Sheriff badges in Fairfield County during Sheriff Charles Valentino's tenure. A copy of a list of these individuals is attached as an exhibit to this report.<sup>21</sup> Ex. 926.

Sheriff Valentino indicated to two Honorary Deputy Sheriffs who provided testimony that their honorary status could involve their performing sheriff duties.

One Honorary Deputy Sheriff for Fairfield County testified as follows:

A. He [Valentino] told me that it was going to cost \$150, that he'd have to take my picture, that you were, if you ever were ever, so-called, to be called on for any such thing you would be authorized to do so because you have the badge in holding.

Q. Now tell us as best as you can recall what exact words he used when he was saying that.

A. He just said, [S-108], this is what you have, this is the badge you are going to receive, I need you to sign off on the card, I will take your picture for you; and he gave me the oath, which I don't remember.

Q. But when he was telling you about the possibility of your being called on, what exact words did he use, as best as you can remember?

A. He said, At any such time that you will, that we would need your services, you will be called on the perform duties that we had asked, such as serving papers or handling any, he just said handling any situation that we would need you to be called on, that was basically it.

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<sup>21</sup> This list is derived from a review of financial records of the Fairfield County Sheriffs Association, Inc. It does not include anyone who may have become an Honorary Deputy Sheriff prior to the tenure of Sheriff Valentino.

Q. Did he specifically say “serving papers”?

A. Yeah, serving papers.

Q. I don’t want to put words in your mouth, so if I am not stating this right, please correct me.

A. Sure.

Q. So he indicated to you that after you had this badge, if he called upon you to serve papers, you’d be authorized to do so?

A. Yeah.

Q. Is there anything else that he said you’d be authorized to do?

A. Get free train tickets. I remember that, to get free train tickets to New York or whatnot because I remember saying I was going to New York this weekend. And we had talked about what we were going to do, and I said, oh, I was going to New York this weekend and he said this would be the best thing to use, show your badge and you will get a free ticket.

It didn’t work....

S-108, pp. 13 - 14.

Another Honorary Deputy Sheriff for Fairfield County testified as follows:

Q Did he [Valentino] describe the possibility of being called upon to assist the office in performance of its official duties at any time?

A I think he said in an emergency situation that he might have to call upon honorary sheriffs. He might have described that to me prior or at the time. I don’t remember exactly.

Q All right. Now, I don’t want to put words in your mouth, but as best as you recall, if you can indicate to me the exact words that he used in indicating to you the possibility of being called upon.

A I think exactly that, there might be a possibility if there was some emergency situation, some state emergency or some -- just catastrophic, emergency situation where it might require, you know, me help.

Q Did you ask him to elaborate on what that meant?

A No, I didn’t.

S-126, p. 16.

Sheriff Valentino erroneously created the impression that Honorary Deputy Sheriffs could assist his office. In reality their “honorary” status conferred no such powers or status. Statutes refer to circumstances when a Sheriff may call upon a member of the public for assistance. *E.g.*,



Conn. Gen. Stat. §§ 6-31, 6-38; *see also* Conn. Gen. Stat. §52-53. These provisions “derived from a time in which the public peace depended upon the ability of the populace to summon their neighbors, through the raising of the ‘hue and cry,’ to come to their assistance when a crime had occurred. [Citations omitted].” *State v. Floyd*, 217 Conn. 73, 90 - 91 (1991). Both historic and modern legal authority indicate that this very limited authority is only available in extremely unusual circumstances, taking into specified factors:

the urgency of the situation giving rise to a command for assistance; the availability of other trained law enforcement officers, rather than untrained civilians, to come to an officer’s aid; the nature of the assistance sought; the appropriateness of commandeering the assistance of these individuals; the provocativeness of the situation in which aid is sought; the presence or threat of the use of weapons; and the risk of injury or death to the officer, to the individual being ordered to assist, and to any other parties present...

*State v. Floyd*, 217 Conn. 73, 92 (1991) (footnotes omitted); *see also: State v. Floyd*, 217 Conn. at 90 - 93; *Eno v. Frisbie*, 5 Day 122, 127 [(Conn. 1811)]; *Kelley v. Kelley*, 83 Conn. 274, 276 (1910); Swift, Zephaniah, A SYSTEM OF THE LAWS OF THE STATE OF CONNECTICUT, Vol. I., pp. 91 - 92 (1795).

Authorizing Honorary Deputy Sheriffs to exercise the office of Deputy Sheriff is illegal. They have no authority to serve papers nor do they have any powers, either in an emergency or otherwise, different than a member of the general public.

## **2. Litchfield County.**

The initial membership fee for honorary members in the Litchfield County Sheriffs’ Association is \$75, which includes the first year dues, a membership card and two window decals (there is also an option of \$40 which excludes the badge). Ex. 151. Annual dues for membership renewals are \$20. Ex. R149, 151, R256.

Badges issued to Honorary Deputy Sheriffs in Litchfield County are 5-point silver color sheriff stars including the text “Honorary Deputy”, “Litchfield County” and the state seal in the center. The top panel of such badges is the name of the Honorary Deputy Sheriff. Ex. R147, R254. The membership card for the Litchfield County Sheriffs Association merely indicates that the holder of the card was appointed an honorary member of the association. Ex. R148, 150, R254. The window decal is in the shape of a 6-point sheriff star and includes the following text: “Sheriff’s Assoc.”, “High Sheriff Richard Zaharek”, “Litchfield County”, says “State of Connecticut” in the center and has an expiration date at the bottom. Ex. 257.

One Litchfield County Honorary Deputy Sheriff who provided testimony obtained an application from a family member who was already an Honorary Deputy Sheriff. S-106, p. 4. The application form is represented in Ex. 151. This person does not know either the Sheriff or Chief Deputy Sheriff for Litchfield County. S-106, p. 13. The application was mailed to the Litchfield County Sheriff’s Association along with the family member’s renewal. S-106, p. 7. Within a month of the application, this individual received a window decal in the mail. S-106, p. 10 - 11.

This individual then received a second mailing with a badge. S-106, pp. 10 - 12; Ex. R147. This individual received a membership card, and believes that it came with the first mailing. S-106, pp. 10 - 12; Ex. R148. At no time did anyone indicate to this individual anything about the uses that should or should not be made of the badge. S-106, p. 8.

Another Litchfield County Honorary Deputy Sheriff obtained an application from a friend who was also an Honorary Deputy Sheriff. S-107, pp. 4 - 5. This individual does not know the Sheriff or Chief Deputy Sheriff. S-107, p. 5. In this person's words "I don't know where Litchfield is." S-107, p. 5. An application in the form of Ex. 151 was filled out and sent in with a check for the badge and membership. S-107, pp. 5 - 6. A badge, car decal, and identification card were then sent to this individual in the mail. S-107, pp. 6 - 9; Ex. R254; Ex. R255; Ex. 257. This individual was never contacted by the Sheriff or Chief Deputy Sheriff nor did anyone explain the significance of having a badge. S-107, p. 7. No one indicated whether the badge conferred any official status. Nor was any explanation given when the badge was mailed with respect to the use or nonuse of the badge. S-107, p. 10.

We have identified 154 individuals who are Honorary Deputy Sheriffs in Litchfield County. A copy of a list of these individuals is attached as an exhibit to this report.<sup>22</sup> Ex. 927.

### **3. Middlesex County.**

The initial membership fee for honorary members in the Middlesex County Sheriffs' Association, Inc. is \$65. R126. This fee includes a membership card and badge.

Badges issued recently are 6-point gold color sheriff stars including the text "Honorary Deputy", "Middlesex County", a badge number and the state seal in the center. Ex. R119, R127. Older badges were identical in design except that they were silver in color. Ex. R166; S-128, pp. 13, 18. This is distinguished from the badges issued to Deputy Sheriffs in Middlesex County. The older style Deputy Sheriff Badge was a gold color shield including the text "Deputy Sheriff", "Middlesex County", a badge number in the lower panel and the state seal in the center. Ex. R171. The current style Deputy Sheriff Badge is a 5-point gold color sheriff star including the text "Deputy Sheriff", "Middlesex County", a badge number in the uppermost panel and the state seal in the center. Ex. R162. Some current Deputy Sheriff badges have the name of the Deputy Sheriff in the top panel. Ex. R172.

The face of the membership card issued to honorary members of the Middlesex Sheriffs' Association, Inc. includes the following text: "This certifies that [NAME] has been appointed an Honorary Deputy Sheriff for Middlesex County. This Card has been issued to him/her for the purposes of identification only and I highly recommend him/her as a respected citizen of my country [sic]." The face of the card bears the printed signature of Middlesex Sheriff Joseph E. Bibisi. The back of the membership card bears a printed oath. R125. Similar membership cards are issued to Deputy Sheriffs and Special Deputy Sheriffs, the only difference being that they are

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<sup>22</sup>This list is derived from a review of records of the Litchfield County Sheriff Department and also from information gathered from some vendors who provided badges for issuance to Honorary Deputy Sheriffs in Litchfield County.

different colors (blue for Honorary Deputy Sheriffs, yellow for Deputy Sheriffs, and green for Special Deputy Sheriffs) and the office indicated is Deputy Sheriff or Special Deputy Sheriff rather than Honorary Deputy Sheriff. Ex. R167, R174; S-128, pp. 16 - 17. The membership card for the Middlesex County Sheriffs Association, Inc. is very different in appearance from the identification card issued to Deputy Sheriffs. The identification card for Deputy Sheriffs clearly indicates status as a Deputy Sheriff along with the powers that come along with the appointment. Ex. R163, R164, R173.

We have identified 58 individuals who are Honorary Deputy Sheriffs in Middlesex County. A copy of a list of these individuals is attached as an exhibit to this report.<sup>23</sup> Ex. 928.

To apply for membership in the Middlesex County Sheriffs' Association, Inc. one has to fill out a written application including name, home telephone number, occupation, name of business, business address, phone number, date of birth, place of birth and whether or not the applicant was ever convicted of a felony. S-99, pp. 5 - 8; S-100, p. 4. This is consistent with the membership application process described in the association Bylaws. Ex. 492. The Bylaws make explicit reference to issuance of a badge for individuals accepted as members. Ex. 492, § 3(f). The application form indicates the name of the person who proposed the applicant for membership, and for two references. S-100, pp. 4 - 6. In one case of testimony by an Honorary Deputy Sheriff, this person did not know the two references on the application that was approved. S-99, pp. 7 - 8. One Honorary Deputy Sheriff who testified was sworn in at a meeting of the Middlesex association and given a badge. S-100, pp. 9 - 12. Another was sworn in at the Sheriff's Office in the courthouse in Middletown. S-99, pp. 9 - 11.

Applications to be Honorary Deputy Sheriffs are supposed to be submitted to the Middlesex County Sheriffs Association, Inc. where they are reviewed by a committee. A criminal background check is supposed to be made. S-128, pp. 20 - 21. The background check is done by Sheriff Bibisi or Chief Deputy Sheriff Milardo. S-129, pp. 17 - 19, 27 - 28.

Honorary Deputy Sheriffs in Middlesex County are told that they do not have any official status. One Honorary Deputy Sheriff testified: "I don't remember, but they just said you know, I mean I was told never to say I'm a deputy sheriff, if anybody asked me. Just say, "No. I'm an honorary deputy sheriff." That's about the only instruction I got. I had no deputy sheriff powers. If anybody questions the badge, just to say that it was an honorary affiliation, and that I was not a deputy sheriff." S-100, p. 17. However, this Honorary Deputy Sheriff, who was issued the badge shown in Ex R127, has the badge affixed to the exterior of the wallet in which this individual carries a driver's license. S-100, pp. 17 - 18. This individual also testified as follows: "I didn't really show anybody the badge. If I got stopped by the police, I took out my wallet. There was one instance where an officer asked me what it was and I said it was an honorary sheriff's badge. That was actually the only other time other than the time I got the ticket." S-100, pp. 18 - 19. Another Honorary Deputy Sheriff in Middlesex County testified that the badge is kept in a dresser. S-99, pp. 15 - 16.

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<sup>23</sup> This list is derived from a review of records provided to us by the Middlesex County Sheriffs' Association, Inc.

Others also testified that Honorary Deputy Sheriffs in Middlesex County were told that the badge could not be used for any personal gain and that it has no official status. S-128, p. 16. “[T]hey are told emphatically when they are proposed for membership or when they are given the badge they are strictly honorary deputies. They are not permitted to do anything beyond the capacity of just saying they’re an honorary member of the deputy sheriffs association.” S-129, p. 13.

A. [Sheriff Bibisi] tells them that they had to have been appointed as honorary deputy sheriff, that they are not to use their badge to try and get out of speeding tickets. If he finds out that they’re going to try to use their badge to get out of speeding tickets or use their identification in that manner, they will be revoked.

He also tells them -- I don’t think he’s insistent about not to serve papers or anything like that, but I think he makes them understand that it’s strictly an honorary position....

S-129, p. 21.

The membership application for the Middlesex County Sheriffs Association, Inc. indicates that nonpayment of dues “Shall cause the revocation of said badge and it shall be returned to the association.” S-99, p. 19. The individual who was issued the badge shown in Ex. R119 is not current in dues. S-99, p. 19. Nevertheless this individual was never contacted by anyone on behalf of the association or the Middlesex Sheriff’s Department asking for return of the badge. S-99, p. 19.

#### **4. New Haven County.**

The initial membership fee for honorary members in the New Haven County Sheriffs Association, Inc. is \$75. Ex. R177. This fee includes a membership card, commission and badge. The membership application itself references a badge payment. The membership application also has a place for a signature by Sheriff Frank J. Kinney accepting the application<sup>24</sup>. Ex. R1.

Badges for Honorary Deputy Sheriffs in New Haven County are 6-point gold color sheriff stars including the text “Honorary Dep. Sheriff”, “New Haven County” and the state seal in the center. The top panel of the badge is the name of the Honorary Deputy Sheriff. Ex. R158, R175. These are slightly different in appearance from the badges used by Deputy Sheriffs which are 6-point gold color sheriff stars including the text “Deputy Sheriff”, “New Haven County”, a badge number and the state seal in the center. Ex. R806.

The membership certificate contains the following text: “Know Ye, That I, Frank J. Kinney, of the Town of Branford, in the County of New Haven and the State of Connecticut, Sheriff of the County aforesaid, do by these presents, constitute and appoint [Name] of the [Town or City] of [Name of Town] aforesaid, an Honorary Deputy Sheriff under me the said Sheriff.” Ex. R157.

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<sup>24</sup>Our review of 629 membership applications indicates that almost none were actually signed by the Sheriff.

The membership card contains the following text: “This is to certify that [Name] has been appointed an Honorary Sheriff for New Haven County. This card is issued to him for the purpose of identification and I highly recommend him as a respected citizen of my county....” The membership card bears the printed signatures of Sheriff Frank J. Kinney and of the President of the New Haven association. Ex. R176. This is different in appearance from the two part identification card issued to Deputy Sheriffs which clearly certifies that the Deputy Sheriff has police powers and is authorized to serve criminal and civil process. Ex. R808, Ex. 809.

We have identified 629 individuals who are Honorary Deputy Sheriffs in New Haven County. A list of these individuals is attached as an exhibit to this report.<sup>25</sup> Ex. 929.

One New Haven County Honorary Deputy Sheriff who provided testimony was approached by a customer at this individual’s business to become an Honorary Deputy Sheriff — the customer was an Honorary Deputy Sheriff. S-101, p. 5. This person does not know either the Sheriff or Chief Deputy Sheriff for New Haven County, nor does this person know anyone else who is a Deputy Sheriff for New Haven County. S-101, pp. 5 - 6. This person filled out an application which was provided by the customer. S-101, p. 6; R480. This individual also wrote out a check to the New Haven County Sheriffs Association, Inc. S-101, p. 7; Ex. R171. Both the application and check were picked up by the customer. This individual then received a badge and identification card in the mail. S-101, pp. 8 - 9; Ex. R175, R176. At no time did anyone indicate to this individual anything about the uses that should or should not be made of the badge. S-101, p. 9.

Another New Haven County Honorary Deputy Sheriff who provided testimony was provided an application by a family member who obtained it from Domenic Jannetty, the Chief Deputy Sheriff. S-105, pp. 6, 25. This individual filled out the application. R479. The application was given back to the family member, along with a check for the New Haven County Sheriffs Association, Inc. S-105, pp. 10 - 11. A few months later this individual received a certificate in the mail. S-105, pp. 11 - 12, Ex. R157. At some point after that this individual received a call from someone at the Waterbury Courthouse that a badge was ready and to come pick it up. S-105, p. 14. This individual went to the courthouse and was steered to an office, but does not remember if it was the sheriff’s office. S-105, pp. 14 - 15. In a hallway this individual asked someone where to go to pick up the badge. The person in the courthouse asked the individuals name, went into a room and brought out the badge. S-105, pp. 15 - 16. The badge this individual was given is represented in Ex. R158. No one associated with the Sheriff’s Department ever explained to him what he should or should not do with the badge. S-105, p. 19.

## **5. New London County.**

In New London County, issuance of “Honorary” sheriff badges was different from the practices in other counties. As reported below, Special Deputy Sheriff badges and identification were issued. The full extent of such activities in New London County is not known and our investigation is continuing.

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<sup>25</sup> This list is derived from a review of applications for honorary membership in the New Haven County Sheriffs Association which was provided to us by the New Haven County Sheriffs Association.

During the course of our investigation, we learned that New London County Sheriff Gerard Egan actually gave certain individuals who were not Special Deputy Sheriffs badges and identification as Special Deputy Sheriffs. Some of these individuals purchased firearms and/or high-capacity weapon magazines as sheriffs, participated in law enforcement shooting matches and even assisted in the service of a capias. This was clearly the most egregious irregularity in the issuance of badges and identification that we reviewed in the course of this investigation. Relevant facts concerning two individuals who were given badges and identification as Special Deputy Sheriffs are summarized below.

**(1) Steven Berke.**

Steven Berke is an oral surgeon with an office in Norwich, Connecticut. Berke 10/2/2000, p. 3. The Office of the County Sheriffs verified for us that Steven Berke was never a Special Deputy Sheriff.

Berke was introduced to New London County Sheriff Gerard Egan through a mutual friend. Berke 10/2/2000, pp. 3 - 4. Berke has had a long interest in weapons and shooting and discussed with Egan Berke's interest in donating time for marksmanship training. Berke 10/2/2000, pp. 4 - 5. At a meeting in Sheriff Egan's office Egan and Berke discussed Egan's interest in providing consistent firearms training for sheriffs and Berke expressed interest in donating his time. Berke 10/2/2000, pp. 5 - 7.

He [Egan] told me he would have to swear me in as a deputy sheriff in order to affect this whole thing, which I thought was interesting and agreed to that. He said, "Raise your right hand," and I did that, and he swore me in.

Berke 10/2/2000, p. 7.

Sheriff Egan gave Berke an identification card. Ex. 1169; Berke 10/2/2000, p. 7. The identification card contains Berke's photograph and contains the following text on its face:

This is to certify that  
Dr. Steven L. Berke  
is a SPECIAL DEPUTY SHERIFF  
for NEW LONDON COUNTY,  
STATE OF CONNECTICUT, authorized for:  
COURTHOUSE SECURITY  
PRISONER TRANSPORTATION  
SERVICE OF  
CRIMINAL AND CIVIL PROCESS  
including Police powers to enforce the  
laws of this State.

Ex. 1169.

The identification card is signed by Sheriff Gerard Egan and does not contain an expiration date. Ex. 1169. The back of the identification card contains the following text:

THIS BADGE IS THE PROPERTY OF THE STATE OF  
CONNECTICUT AND MUST BE SURRENDERED UPON  
TERMINATION. IF LOST OR STOLEN, PLEASE NOTIFY YOUR  
HIGH SHERIFF'S OFFICE IMMEDIATELY.

Ex. 1169.

Steven Berke was also issued a sheriff badge. Berke 10/2/2000, pp. 12 - 13. The badge was a gold color 5-point sheriff star with the following text: "New London County", "Sheriff's Office", and the state seal in the center. Ex. 1172. Berke was also issued a license plate for his car indicating that he was a Deputy Sheriff. Ex. 1173; Berke 10/2/2000, pp. 13, 20 - 23.

Not only did Sheriff Egan give Steven Berke a badge and identification as a Special Deputy Sheriff, but he also provided an authorization to Berke to use a requested firearm and "large capacity ammunition feeding devices" in the performance of official duties and not for personal use or for purposes of transfer or resale.<sup>26</sup> Ex. 1170; Berke 10/2/2000, pp. 8 - 9, 14 - 15. While Berke testified that he never purchased the firearm referred to in the letter, he did purchase around six high capacity weapon magazines. Berke 10/2/2000, pp. 14 - 15, 20 - 21.

Berke testified as follows concerning his understanding of his role:

Q When he [Egan] gave you the card, did he give you any instructions as to what your duties or responsibilities were as a special deputy sheriff, which is the title that's indicated on the card?

A Yes. My duties and responsibilities were limited to training. I considered myself, based on our discussion, to be a training officer, and that I would not be doing any -- there was a list of duties on the front of this card, none of which applied to me, in terms of courtroom security, prisoner transport, service of papers, police powers, none of that was considered to be relevant to me, as far as I understood it.

Q So that was -- did he actually state that to you or is that what you envisioned your role to be?

A That was my interpretation. I don't remember what he exactly said that day in terms of -- I remember him pointing to a book of statutes of the state of Connecticut and saying that within the eyes of the law, I was not a sworn law enforcement officer; however, my duties, as it were, such as they were, would be limited to training, which is, of course, all I was interested in doing.

Berke 10/2/2000, pp. 9 - 10.

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<sup>26</sup>We obtained this document from Berke himself pursuant to a subpoena issued to Berke. Sheriff Egan never provided this document, or others like it, in response to subpoenas that we had previously issued to Sheriff Egan and to the New London County Sheriff Department. Ex. 342; Ex. 343.

Berke testified that he never actually helped out the New London County Sheriff Department with training. Berke 10/2/2000, pp. 10 - 11. However, he did participate in law enforcement shooting matches. Berke 10/2/2000, pp. 10 - 11, 17 - 18.

While Steven Berke was never a Special Deputy Sheriff he was issued a badge and an identification card as a Special Deputy Sheriff, purchased high capacity weapons magazines as a sheriff, and participated in law enforcement shooting matches as a sheriff. This should never have happened.

(2) ***Ross Sanfilippo.***

Ross G. Sanfilippo is an oral surgeon with an office in New London, Connecticut. Sanfilippo 10/2/2000, p. 3. The Office of the County Sheriffs verified for us that Sanfilippo was never a Special Deputy Sheriff.

Sanfilippo was introduced to New London County Sheriff Gerard Egan through Chief Deputy Sheriff Thomas Connors, who was a patient of Sanfilippo's. Sanfilippo 10/2/2000, p. 4. Sanfilippo discussed with Chief Deputy Sheriff Thomas Connors the possibility of Sanfilippo being sworn in as a deputy as a result of Sanfilippo's interest in the sheriff's department and his having been an honorary deputy in New Jersey. Sanfilippo 10/2/2000, pp. 4, 5. "... I believe I met the sheriff the day I was sworn in as a deputy." Sanfilippo 10/2/2000, p. 4.

Sheriff Egan swore Sanfilippo in as a deputy. Sanfilippo 10/2/2000, p. 5. Neither Sheriff Egan nor Chief Deputy Sheriff Connors discussed with Sanfilippo his duties and responsibilities or authority. Sanfilippo 10/2/2000, pp. 5, 7.

Sanfilippo was issued an identification card the day he was sworn in. Ex. 1175; Sanfilippo 10/2/2000, pp. 5 - 6. The identification card contains Sanfilippo's photograph and contains the following text on its face:

This is to certify that  
Ross G. Sanfilippo  
is a SPECIAL DEPUTY SHERIFF  
for NEW LONDON COUNTY,  
STATE OF CONNECTICUT, authorized for:  
COURTHOUSE SECURITY  
PRISONER TRANSPORTATION  
SERVICE OF  
CRIMINAL AND CIVIL PROCESS  
including Police powers to enforce the  
laws of this State.

Ex. 1175.

The identification card is signed by Sheriff Gerard Egan and does not contain an expiration date. Ex. 1175. The back of the identification card contains the following text:



THIS BADGE IS THE PROPERTY OF THE STATE OF  
CONNECTICUT AND MUST BE SURRENDERED UPON  
TERMINATION. IF LOST OR STOLEN, PLEASE NOTIFY YOUR  
HIGH SHERIFF'S OFFICE IMMEDIATELY.

Ex. 1175.

Ross Sanfilippo was also issued a sheriff badge. The badge was a gold color 5-point sheriff star with the following text: "New London County", "Sheriffs Office", and the state seal in the center. Ex. 1175; Ex. 1176; Sanfilippo 10/2/2000, p. 7. Sanfilippo was also issued a license plate for his car. Sanfilippo 10/2/2000, p. 8.

Not only did Sheriff Egan give Ross G. Sanfilippo a badge and identification as a Special Deputy Sheriff, Sanfilippo used this putative status to obtain a pistol. In fact, documents show that on July 18, 1997 the New London County Sheriff Department was the seller of a pistol to him. Ex. 1053. Two forms which he signed with respect to this purchase showed his pistol permit number as "195910" Ex. 1053. One of these forms shows his occupation as "OMFS DEPUTY". Ex. 1053. According to Sanfilippo's testimony "OMFS" stands for Oral and Maxillofacial Surgeon. Sanfilippo 10/2/2000, p. 14.

On more than one occasion Sanfilippo accompanied sheriffs with the capias unit who were looking for people to arrest. Sanfilippo 10/2/2000, pp. 9 - 12. When Sanfilippo did this he was armed with a handgun. Sanfilippo 10/2/2000, p. 11. He was present when people were taken into custody. Sanfilippo 10/2/2000, pp. 21 - 23. Sanfilippo testified that he does not recall actually assisting in taking someone into custody or touching anyone. Sanfilippo 10/2/2000, pp. 22 - 23. However, there is credible evidence that Sanfilippo actually did assist in taking someone into custody on a capias.

Special Deputy Sheriff Waldren Phillips has assisted Deputy Sheriffs in connection with the service of capias. Phillips 10/3/2000, p. 3. Phillips testified about two occasions when Sanfilippo joined sheriff teams in connection with service of capias.<sup>27</sup>

... Chief Deputy Connors says I want you guys to take this guy [Sanfilippo] out and get his feet wet. And, of course, we knew that meant to take him out in the field and get him some action.

Now that would be to let him participate in all of the going on, affecting the arrest, entering the doorway and even handcuffing and searching. To me that meant let him do the job.

And like I said, that was the first time I ever laid eyes on the doc, and I was instructed, myself and Sullivan, to take him out and get his feet wet and take him out on the operation....

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<sup>27</sup> There were also other individuals who were not sheriffs who assisted in child support arrests. "But I do know that there were other individuals that weren't sheriffs that were participating in these arrests. And they had the credentials, I mean, they had the shield, they had a gun, they had cuffs..." Phillips 10/3/2000, pp. 28 - 29. Special Deputy Sheriff Phillips does not know who they are. Phillips 10/3/2000, p. 28.

\* \* \*

Q. Did you express any concerns you might have to Chief Deputy Connors?

A. No. You weren't permitted to express anything to Chief Deputy Connors, you just followed orders.

Phillips 10/3/2000, pp. 7 - 8.

On this occasion Sanfilippo wore a duty belt with a sidearm, magazine clips, mace case, and double cuff case. Phillips 10/3/2000, pp. 5 - 6. The sidearm appeared to Phillips to be a Smith & Wesson pistol with a magazine clip in it with 14 to 16 rounds of ammunition. Phillips 10/3/2000, p. 19. The magazine in the gun was of the sort generally restricted for law enforcement use. Phillips 10/3/2000, p. 19. Sanfilippo also had a container of mace on his belt. Phillips 10/3/2000, p. 20. Sanfilippo was wearing a New London County Sheriff's badge. Phillips 10/3/2000, pp. 17 - 18.

Phillips did have a conversation with Sanfilippo about the fact that Sanfilippo was armed:

I said to him [Sanfilippo], I says, Excuse me, I said, Hey Doc, nothing for nothing, I said, Look, let me tell you something. That side arm you got stays exactly where it is, in that holster, and you don't take that damn -- excuse me, you don't take that damn thing out of that holster for nothing. Even if I get shot or shots are fired, you're not to pull that side arm, do you understand that? And he said yeah. I said please don't. Don't touch that side arm. And that was it.

The other sheriffs kind of got a little bent out of shape about it but I didn't care. I just didn't want that civilian to touch that side arm because I had never seen him on a range before....

So I had a sneaky feeling he was playing cop for the day at our expense and I had to kind of make the situation as safe as I could make it. And one of those ways was showing that he didn't take that side arm out of that holster. So, you know, even if we knocked on the door and there was a rumble in the back behind that door, he was not to touch that side arm.

\* \* \*

But no, I purposely told him not to touch that side arm because I didn't want any problems.

Phillips 10/3/2000, pp. 15 - 17.

During one arrest on a capias Sanfilippo told the arrested individual that he was under arrest,<sup>28</sup> searched him, handcuffed him and escorted him to the vehicle. Phillips 10/3/2000, pp. 12 - 13. After that arrest, the arrested individual was brought back to the courthouse lockup facility at 70 Huntington Street in New London, Connecticut. Back at the courthouse Sanfilippo told

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<sup>28</sup> Another Special Deputy Sheriff on the team also informed this individual that he had been arrested for failure to make child support payments. Phillips 10/3/2000, p. 13.

Chief Deputy Sheriff Thomas Connors that he was very pleased to make an arrest. Phillips 10/3/2000, p. 13.

I could see by the look on his [Sanfilippo's] face that he was very proud of what he had just done.... He was pretty pleased with himself and the chief was happy that he had a chance to taste what it was like to be a policeman for the day. And we loaded up and went back out.

Phillips 10/3/2000, pp. 13 - 14.

There was also a second occasion when Sanfilippo went out on a night operation. "... I'm pretty certain that we affected a couple of arrests that night and the doc [Sanfilippo] was present and he participated in the apprehensions. And even taking them to the correctional facility. I'm sure he entered the correctional facility with us, even up to and including going into the booking room and placing him in a side cell." Phillips 10/3/2000, pp. 22 - 23. Sanfilippo had the same apparatus on this occasion that he had on the first occasion. Phillips 10/3/2000, pp. 26 - 27.

Sanfilippo also participated in law enforcement shooting matches. Ex. 1174; Sanfilippo 10/2/2000, pp. 17 - 21. Sheriff Egan issued him a congratulatory letter in connection with one of these shooting matches. Ex. 1174.

Ross Sanfilippo testified that he did not recall ever contributing to Sheriff Egan's campaign. Sanfilippo 10/2/2000, p. 16. However, the campaign finance reports for Egan's campaign show that he made a donation of \$100 on October 30, 1998. Ex. 398.

While Ross Sanfilippo was never a Special Deputy Sheriff he was issued a badge and an identification card as a Special Deputy Sheriff, purchased firearms as a sheriff, and participated in law enforcement shooting matches as a sheriff. His joining sheriffs in capias operations and participating in arrests, including searching and handcuffing people who were arrestees, jeopardized the validity of the arrests and created grave risks of improper conduct or physical harm.

### **(3) *Summary & Conclusion.***

There is no justification for permitting unauthorized individuals to be given law enforcement credentials, or authorized to purchase firearms and/or weapon magazines, and then to perform official duties such as service of a capias. Sheriff Gerard Egan should immediately account for all circumstances when Special Deputy Sheriff badges and/or identification cards were provided to individuals who were not actually Special Deputy Sheriffs. He should also immediately recover all such badges and/or identification cards to ensure that there is no risk of misuse again in the future.

## **B. ASSOCIATE DEPUTY SHERIFFS.**

In the course of our investigation we came across an "Associate Deputy Sheriff" designation used only in Litchfield County. This title was phased out in 1999.

Historically, the Sheriff in Litchfield County designated a handful of individuals associated with the Torrington Fish & Game Association, Inc. as Special Deputy Sheriffs in order to oversee land that belonged to the association, and to oversee fishing on a reservoir that the association had permission to use. S-163, pp. 4-5; S-164, pp. 4 - 7; S-165, p. 4. Sheriffs, including Sheriff Menzer, Sheriff Wakefield, Sheriff Ocif and Sheriff Zaharek made Special Deputy Sheriff appointments. S-163, pp. 5- 8; S-164, pp. 5 - 12; S-165, pp. 5 - 8, 10 - 12. While these individuals were historically appointed Special Deputy Sheriffs, who in fact had arrest authority under Conn. Gen. Stat. §§ 6-43, 53a-3(9), 54-1f, the Sheriffs typically told them that they should not be exercising any law enforcement authority and that if they needed assistance of that sort to call the Department of Environmental Protection. S-163, p. 6; S-164, p. 6; S-165, p. 7. According to one of the individuals with such an appointment, Sheriff Menzer said “‘Don’t go out and play Wyatt Earp.’ That was the words he used.” S-164, p. 5. Sheriff Ocif told them that they did not have arrest authority. S-164, pp. 9 - 10. Sheriff Zaharek was clearly uncomfortable with the Special Deputy Sheriff appointments. S-165, p. 8.

The individuals from the Torrington Fish & Game Association, Inc. who received Special Deputy Sheriff appointments received a commission. An example of this commission specifically authorizes the appointee to “use and exercise the office of Special Deputy Sheriff...” Ex. 877. These individuals were also issued Special Deputy Sheriff badges which are 5-point gold color sheriff stars with their name, the words “Special Deputy Sheriff”, “Litchfield County”, and the state seal in the center. Ex. 880, Ex. 887, Ex. 892. They also received Special Deputy Sheriff identification cards with text concerning police powers crossed out. Ex. 881, Ex. 884.

While Sheriff Richard Zaharek followed the custom in Litchfield County right after he assumed the office of Sheriff, he had reservations concerning this practice. S-165, p. 8. In subsequent years he appointed these individuals to the position of Associate Deputy Sheriff. S-163, pp. 8 - 10; S-164, pp. 12 - 13; S-165, pp. 8, 9 - 10. The office of Associate Deputy Sheriff does not exist. According to one of the Associate Deputy Sheriffs Sheriff Zaharek’s explanation for this change was “‘There’s a big turmoil goin’ on, and this is the way it’s gonna be. And then the following year ... he said, I can’t do it anymore. He says, Things are crazy....” S-164, p. 12.

The Associate Deputy Sheriff commissions only granted “power and authority as my Associate Deputy Sheriff throughout the jurisdiction of the Torrington Fish & Game Territory to use and exercise the office of Associate Deputy Sheriff, in accordance with the spirit of club rules and regulations relating to the office of Associate Deputy Sheriff...” Ex. 878, Ex. 879, Ex. 885, Ex. 886, Ex. 889, Ex. 890, Ex. 893, Ex. 894. This appointment did not convey any legal authority of any sort. The Associate Deputy Sheriffs were issued identification cards by Sheriff Richard Zaharek. Ex. 882, Ex. 883, Ex. 888, Ex. 891, Ex. 895.

Sheriff Richard Zaharek later had reservations about even designating Associate Deputy Sheriffs for the Torrington Fish & Game Association, Inc. “[H]e didn’t know if he was doing the right thing...” S-165, p. 9. He declined to continue these appointments. S-165, p. 9 According to one of the Associate Deputy Sheriffs, when Sheriff Zaharek declined to continue making these appointments he said “‘There’s a big turmoil going on over in Hartford right now, and we gotta be careful what we do.... So at this particular time, he said, we can’t do that, you know.” S-164,

p. 13. At no time following the expiration of these appointments did anyone associated with the Litchfield County Sheriff Department request the return of any sheriff badges or identification. S-163, pp. 11 - 12; S-165, p. 12.

Sheriff Richard Zaharek ultimately recognized the right thing by completely phasing out these appointments. The title of “Associate Deputy Sheriff”, much like the designation of “Honorary Deputy Sheriff”, never had any foundation or defined authority. Hence, at best it could only generate confusions, costs and potential risks, without serious potential benefits.

### **C. OTHER BADGE ACCOUNTABILITY ISSUES.**

Lack of adequate internal controls, including little or not oversight and accountability, was also found in practices relating to civil service secretaries in sheriff offices receiving Special Deputy Sheriff badges. Civil service secretaries are neither appointed nor trained as Special Deputy Sheriffs. They should not be in possession of Special Deputy Sheriff badges.

#### **1. A Civil Service Secretary in the Fairfield County Sheriff’s Office Was Issued a Special Deputy Sheriff Badge.**

The civil service secretary in the Fairfield County Sheriff’s Office was issued a badge and identification as a Special Deputy Sheriff by former Sheriff Edwin S. Mak, although she was never employed as a Special Deputy Sheriff. The badge is a gold color 7-point sheriff’s star with text indicating “Special Deputy Sheriff”, “Fairfield County”, badge #330, and the state arms in the center. The identification card reflects her title as “Spec. Deputy/Adm.”, badge #330 and an expiration date of “permanent”. Ex. 97.

#### **2. A Civil Service Secretary in the New Haven County Sheriff’s Office Was Given a Special Deputy Sheriff Badge.**

The civil service secretary in the New Haven County Sheriff’s Office at the Waterbury courthouse is supervised by Chief Deputy Sheriff Domenic Jannetty. Jarjura 9/11/2000, pp. 3 - 5. Chief Deputy Sheriff Domenic Jannetty gave her a Special Deputy Sheriff badge between 6 and 8 months ago. Jarjura 9/11/2000, pp. 15 - 16. The badge is a gold color 5-point sheriff’s star with text indicating “Special Deputy Sheriff”, “New Haven County”, badge number “5003”, and the state seal in the center. Ex. 591; Jarjura, 9/11/2000, p. 15. Her testimony was as follows:

Q And do you recall the circumstances of his [Chief Deputy Sheriff Domenic Jannetty’s] giving it [the badge] to you?

A No, I don’t. It just happened. Probably saw it and liked it. I don’t know. I don’t remember.

Q Did you ask him to get you a badge?

A No.

Q So he just gave this to you at some point?

A Yes.

Q Did he tell you what you should do with it or what you shouldn't do with it?

A No.

Q Now, just to be clear, you're not a special deputy sheriff?

A No.

Q And you've never been a special --

A Never.

Q -- deputy sheriff?

A Never.

\* \* \*

Q After he [Jannetty] gave you the badge, what did you do with it?

A Put it in my wallet with my checkbook.

Jarjura 9/11/2000, pp. 16 - 17.

She was given a Special Deputy Sheriff badge even though she was never a Special Deputy Sheriff. The badge number (#5003) on the badge that she was given corresponds to a Special Deputy Sheriff badge that was in fact issued to Chief Deputy Sheriff Domenic Jannetty.<sup>29</sup> Ex. 1098.

### **3. Special Deputy Sheriff Badges Are Not Adequately Controlled.**

Beginning in 1999, Special Deputy Sheriff badges were supposed to be controlled. The Office of the County Sheriffs issued Administrative Memorandum 99-9 reflecting new policies concerning Special Deputy Sheriff badges. Ex. 1090. This policy notes, among other things, that the Office of the County Sheriffs was now providing Special Deputy Sheriff badges to each county; that these badges were the property of the agency and to be returned when an individual leaves; and that "a roster of the numbered badges should be maintained ... to ensure that persons no longer associated with the Agency *do not retain our badges*." Ex. 1090 (emphasis added). We were informed by the Office of the County Sheriffs that under this policy it is only the Office of the County Sheriffs in Hartford that is authorized to purchase Special Deputy Sheriff badges.

Clearly the purpose of such measures was to assure that Special Deputy Sheriff badges are controlled. In the course of our investigation, however, we have found many examples of these controls breaking down, with minimal or nonexistent supervision and oversight.

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<sup>29</sup>Moreover, Chief Deputy Sheriff Domenic Jannetty should not have been issued a Special Deputy Sheriff badge as he is not a Special Deputy Sheriff.

We found many examples of Special Deputy Sheriff badges being ordered that were not ordered by the Office of the County Sheriffs. If other persons are in fact ordering Special Deputy Sheriff badges then the controls put in place by the Office of the County Sheriffs are meaningless. There have been examples of Special Deputy Sheriff badges being ordered by Fairfield County Sheriff Charles Valentino that were not ordered through the Office of the County Sheriffs. Ex. 1091; Ex. 1092. There are also examples of such orders by various people associated with the New Haven County Sheriff Department. Ex. 1093; Ex. 1094; Ex. 1095; Ex. 1096<sup>30</sup>; Ex. 1097.

The controls set forth by the Office of the County Sheriffs to control Special Deputy Sheriff badges have never been effectively implemented. Immediate steps are appropriate to ensure that Special Deputy Sheriff badges are properly controlled and accounted for.

#### **D. SUMMARY & REFERRAL TO CHIEF STATE’S ATTORNEY.**

It is clear that the practices concerning the issuance of badges and/or other identification to “Honorary Deputy Sheriffs” or other unauthorized individuals raise substantial concerns. These badges and identification would strongly imply to an ordinary member of the public that the holder has some official status and authority. There is an even greater concern with issuing “Special Deputy Sheriff” badges and identification, to unauthorized individuals.

At the present time, the practice of issuing authentic looking badges and identification to unauthorized individuals — individuals who are not actual Deputy Sheriffs or Special Deputy Sheriffs — is a major continuing concern. Misuse of credentials that look official has been well documented and places the public in jeopardy. A recent study by the United States General Accounting Office, for example, focused on security breaches at federal agencies and airports aided by exactly this type of credential. The GAO documented how it was able to breach security, including security at airports and at the suites of federal agency heads, through the use of phony badges obtained from public sources and phony identification made using commercially available software packages or information downloaded from the Internet. Ex. 487; GAO/T-OSI-00-10. Obtaining official looking badges and identification cards from official sources but issued to unauthorized individuals presents even greater potential for abuse. In many instances badges were received in the mail by people who did not know the persons who sent the badges.

As noted above, some of these badges, such as in New Haven County, are sent by mail with no guidance to the recipient that they have no official status and should not be used. By contrast, in Middlesex County, Sheriff Bibisi or an officer of the Middlesex County Sheriffs Association, Inc. specifically warned new “honorary” association members not to use the badge at all. The badges create a substantial risk of an unauthorized person misusing the badge, such as the individual who testified that he attached the badge to the same wallet holding this individual’s driver’s license. S-100, p. 17 - 19. The better practice is simply to eliminate using the legally nonexistent “Honorary Deputy Sheriff” designation, stop issuing badges to “Honorary Deputy Sheriffs”, and also stop cancel any identification cards that could be misleading. Similarly, the controls on issuance of Special Deputy Sheriff badges should be substantially improved so that

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<sup>30</sup> Among the badge numbers referred to on this order is “5003”. Ex. 1096. This corresponds to the Special Deputy Sheriff badge issued to Chief Deputy Sheriff Domenic Jannetty. Ex. 1098.

unauthorized individuals are not issued such badges and also to ensure that Special Deputy Sheriff badges are only purchased in accordance with applicable policies.

If necessary, the very practice of issuing badges and identification cards to anyone other than those lawfully elected or appointed to valid sheriff positions could be barred by statute. At a minimum, all such badges, identification cards and/or commissions, should be collected, the Sheriffs should account for all that have ever been issued, and ensure that they are destroyed.

Certain practices involving the selling of badges with deposits of funds into various accounts, merit further investigation and scrutiny. For example, the Fairfield County Sheriffs Association, Inc. solicited memberships (resulting in the issuance of badges and identification) as a fundraising measure. Also, as noted above, the New Haven County Sheriffs Association, Inc. also raised substantial funds in dues paid by honorary members who were issued badges. Finally, in Fairfield County “Honorary Deputy Sheriffs” were also provided an appointment certificate that purported to grant the recipient all of the authority of a Deputy Sheriff. There is simply no legal authority for this.

The criminal provisions of Conn. Gen. Stat. § 53-341a prohibit selling badges or shields identifying the wearer as holding a specific office unless the purchaser actually holds the office at the time of sale. In addition, the provisions of Conn. Gen. Stat. § 53a-130(a)(3) make it a crime to wear or display a badge or shield by which a public servant is identified with the intent of inducing another to submit to the pretended public authority or to act in reliance on that pretense. Since both of these statutes are criminal statutes, we are referring this issue to the Chief State’s Attorney to determine whether or not any action under Connecticut’s criminal laws is warranted.

### **III. MISUSE OF TAX-EXEMPT STATUS BY SHERIFF ASSOCIATIONS.**

- ♦ *Some sheriff associations have misused their tax-exempt status by making political contributions, engaging in lobbying and other political activity, and providing substantial personal benefits to some of their members.*
- ♦ *Several sheriff associations, including the Connecticut State Sheriffs Association and the sheriff associations for Middlesex, New Haven, Tolland and Windham, improperly use a state courthouse as their principal place of business, and as a venue for meetings and functions. State courthouses should not be used by private organizations.*
- ♦ *The Fairfield County Sheriffs Association, Inc. has misused its tax-exempt and charitable status by using its resources for political contributions, forming a political action committee, engaging in lobbying and other political activity, and providing substantial personal benefits to some of its members.*
- ♦ *The Fairfield County Sheriffs Association, Inc. has misused its charitable status by failing to devote a substantial portion of its resources to charitable activities.*



- ♦ *The Fairfield County Sheriffs Association, Inc. has improperly subsidized liability insurance and conference expenses for Sheriff Charles Valentino.*
- ♦ *The New Haven County Sheriffs Association, Inc. has misused its tax-exempt status by using its resources for engaging in lobbying and providing substantial personal benefits to some of its members.*
- ♦ *The New Haven County Sheriffs Association, Inc. has improperly subsidized liability insurance for Sheriff Frank Kinney.*
- ♦ *Fairfield County Sheriff Charles Valentino received a travel reimbursement from the state for attendance at a National Sheriffs' Association convention for which he also received a stipend from the Fairfield County Sheriff Association, Inc.*
- ♦ *Some Deputy Sheriffs and Special Deputy Sheriffs have received unauthorized per diem compensation from the state for attendance at National Sheriffs' Association conventions. Two of them also received a stipend from sheriff associations for convention attendance.*

#### **A. SUMMARY OF APPLICABLE RULES.**

Different tax rules apply to different types of organizations, including the sheriffs associations that we examined.<sup>31</sup>

##### **1. Tax Rules Applicable To Business Leagues.**

An organization of persons having some common business interest, such as trade and professional associations, may seek tax exempt status as a business league under Internal Revenue Code § 501(c)(6). Ex. 835, IRS Publication 557, p. 42. Such an organization “must be primarily supported by membership dues and other income from activities substantially related to its exempt purpose. Ex. 835, IRS Publication 557, p. 42. No part of the net earnings of a business league may inure to the benefit of any individual. Internal Revenue Code § 501(c)(6). Contributions to a business league are *not* deductible as charitable contributions on federal income tax returns. Ex. 835, IRS Publication 557, p. 43. An entity organized as a business league under Internal Revenue Code § 501(c)(6) must generally notify anyone paying dues to the organization whether any part of the dues is not deductible because it is related to lobbying or political activities. Ex. 835, IRS Publication 557, p. 12. Corporations exempt from income tax under the Internal Revenue Code are not subject to the State of Connecticut’s corporation business tax. Conn. Gen. Stat. § 12-214(a)(2).

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<sup>31</sup> Included are the following: Connecticut State Sheriff’s Association, Inc., Fairfield County Sheriffs Association, Inc., Hartford County Sheriff’s Department Community Charities Association, Inc., Middlesex County Sheriff’s Association, Inc., New Haven County Sheriffs Association, Inc., Tolland County Sheriffs Association, Inc., Windham County Sheriffs Association, Inc.

## **2. Tax Rules Applicable to Charitable Organizations.**

Organizations operated exclusively for purposes such as charitable, educational, religious, and scientific purposes may qualify for tax exempt status under Internal Revenue Code § 501(c)(3). Ex. 835, IRS Publication 557, p. 13. Contributions to such organizations are deductible as charitable contributions on federal income tax returns. Ex. 835, IRS Publication 557, p. 13. To be approved under Internal Revenue Code § 501(c)(3) the organization must show that it is organized and operated exclusively for purposes which are beneficial to the public interest. Ex. 835, IRS Publication 557, pp. 20 - 21. “In general, if a substantial part of the activities of [the] organization consist of carrying on propaganda or otherwise **attempting to influence legislation**, [the] organization’s exemption from federal income tax will be denied....” Ex. 835, IRS Publication 557, pp. 38 - 40 (emphasis in original). Moreover, such “organizations are precluded from, and suffer loss of exemption for, engaging in any political campaign on behalf of, or in opposition to, any candidate for public office.” Ex. 835, IRS Publication 557, p. 9. This is the case “[i]f any of the activities (whether or not substantial)” involve supporting or opposing a candidate for public office. Ex. 835, IRS Publication 557, p. 14. No part of the net earnings of a charitable organization may inure to the benefit of any individual. Internal Revenue Code § 501(c)(3). Corporations exempt from income tax under the Internal Revenue Code are not subject to the State of Connecticut’s corporation business tax. Conn. Gen. Stat. § 12-214(a)(2).

## **3. Other State Laws Applicable to Tax Exempt Organizations.**

Tax exempt organizations in Connecticut which seek to operate as corporations may organize themselves as nonstock corporations. A nonstock corporation must be nonprofit. Conn. Gen. Stat. § 33-1026(a)(2). Engaging in or spending money on activities inconsistent with the entity’s corporate purpose may be challenged in a proceeding brought pursuant to Conn. Gen. Stat. § 33-1038(b). The Attorney General is authorized to “represent the public interest in the protection of any gifts, legacies or devises intended for public or charitable purposes....” Conn. Gen. Stat. § 3-125. Moreover, under the Solicitation of Charitable Funds Act, a charity may not engage in a financial transaction which is not related its purpose, among other things. Conn. Gen. Stat. § 21a-190h.

## **B. ANALYSIS OF PARTICULAR SHERIFF ASSOCIATIONS.**

### **1. Connecticut State Sheriffs’ Association.**

The Connecticut State Sheriffs’ Association has no official governmental status. It is described in filings with the Ethics Commission as a trade association and as an association of High Sheriffs. Ex. 762, Ex. 772, Ex. 773. The officers of the Connecticut State Sheriffs’ Association are as follows: President- Middlesex Sheriff Joseph E. Bibisi; Vice President- Hartford Sheriff Walter J. Kupchunos, Jr.; Secretary- Litchfield Sheriff Richard L. Zaharek; Treasurer- Tolland Sheriff Michael Piccoli; Executive Director- John F. Getlein.<sup>32</sup> See Connecticut State Register & Manual (2000), p. 345.

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<sup>32</sup> John Getlein is both a Deputy Sheriff and Special Deputy Sheriff for New Haven County.

The address for the Connecticut State Sheriffs' Association is given as One Court Street, Middletown. *See Connecticut State Register & Manual* (2000), p. 345. This address is also shown as the address of the Connecticut State Sheriffs' Association in numerous filings with the Ethics Commission. Ex. 761 through Ex. 780, Ex. 782. This address happens to be the courthouse for the Judicial District of Middlesex. Custom and accepted practice preclude the use of a courthouse for purposes other than official state functions associated with the administration of justice. A private organization, such as the Connecticut State Sheriffs' Association, would normally be barred from using a courthouse as its address.

We reviewed the deposits and withdrawals from the Connecticut State Sheriffs' Association checking account at Fleet Bank which we obtained pursuant to a subpoena.<sup>33</sup> Based upon that review it seems clear to us that during the past few years the primary purpose of this organization was lobbying.

Our review covered deposits and withdrawals from January 1997 through April 2000. During that period, \$57,243 out of \$60,743 in income, or 94.2% of the income of the Connecticut State Sheriffs' Association was expressly designated for lobbyist fees. Ex. 1141. Our analysis also shows that \$62,017.74 out of \$66,340.01, or 93.5% of the expenses of the Connecticut State Sheriffs' Association are for lobbying. Ex. 1141.

## **2. Fairfield County Sheriffs Association, Inc.**

The Fairfield County Sheriffs Association, Inc. is organized as a charity under Internal Revenue Code § 501(c)(3).

### **(1) *Organizational History.***

The Fairfield County Sheriffs Association, Inc. was first incorporated in August 1984 as a Connecticut nonstock corporation. Ex. 216. Its certificate of incorporation was amended in November 1986, among other things, to clearly establish this organization as a charitable organization under Internal Revenue Code § 501(c)(3).<sup>34</sup> Ex. 217.

In 1997 and 1998 Ronald Z. Kadar was the President of the Fairfield County Sheriffs Association, Inc. Ex. 218, Ex. 219. Kadar is a Deputy Sheriff for Fairfield. Terry L. Brown was the Secretary. Ex. 218, 219. Brown is a Deputy Sheriff for Fairfield. George F. Hammel was the Treasurer. Ex. 218, 219. Hammel is a Deputy Sheriff for Fairfield. In 1999 Edward J. Fennell became the President. Ex. 220. Fennell is a Deputy Sheriff for Fairfield. Brown and Hammel remained Secretary and Treasurer, respectively. Ex. 220.

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<sup>33</sup> A subpoena was also issued to Sheriff Michael Piccoli, who is the Treasurer of the Connecticut State Sheriffs' Association, for records, including financial records of the Connecticut State Sheriffs' Association. Since Sheriff Piccoli sought to quash the subpoena issued to him for these records we have not yet been able to complete our review of records concerning the Connecticut State Sheriffs' Association.

<sup>34</sup> Organizations which have been approved by the Internal Revenue Service as charitable organizations pursuant to Internal Revenue Code § 501(c)(3) are listed in IRS Publication 78, which is also searchable on the internet at <http://www.irs.gov/search/eosearch.html>. The Fairfield County Sheriffs Association, Inc. does appear on this list.

Periodic filings with the Secretary of the State for the Fairfield County Sheriffs Association, Inc. since 1997 show its principal place of business to be 364 Ellsworth Street in Bridgeport. Ex. 218, 219, 220. This was the residence of former Sheriff Edwin Mak. According to this association's Form 990-EZ for 1998<sup>35</sup> the organization's address is 115 Canoe Brook Road, Trumbull, Connecticut, which is the address of the current Treasurer. Ex. 899.

**(2) *Revenue of the Fairfield County Sheriffs Association, Inc.***

We reviewed records of the Fairfield County Sheriffs Association, Inc. covering the time period from January 1, 1997 through April 15, 2000. During this time period the Fairfield County Sheriffs' Association, Inc. received revenue of \$168,286.34. Ex. 1145. The largest revenue items are dues and insurance. Ex. 1145.

According to the Constitution<sup>36</sup> of the Fairfield County Sheriffs Association, Inc., membership is restricted to Deputy Sheriffs. Ex. 490, Art. II(A). Most of the association's revenues were derived from the membership of the Fairfield County Sheriffs Association, Inc. Ex. 1145. Each member currently pays dues of \$550 per year for liability insurance<sup>37</sup>, \$250 per year for dues, and a \$100 per year lobbyist fee. Ex. 1121. Concerns expressed by Deputy Sheriffs raise the issue of whether payments are compulsory rather than voluntary. In fact, the Constitution of the Fairfield County Sheriffs Association, Inc. purports to mandate that nonpayment of insurance results in automatic surrender of the authority to conduct business as a Deputy Sheriff. Ex. 490, Art. II(B)(3)(c). Nonpayment of dues also appears to have the same result. As only one example, minutes of the October 19, 1999 meeting of the Fairfield County Sheriffs Association, Inc. recommend that the Sheriff remove a Deputy Sheriff from his position since he was not current in association dues. Ex. 203. The minutes of the following meeting, on November 16, 1999, include a report that all members were current in dues. Ex. 204.

During this time period net revenues of \$21,098 were received from special events such as Christmas parties, Sheriffs' Balls and picnics. Ex. 1145. In addition, there were revenues of \$11,178 from the sale of items such as honorary badges.<sup>38</sup> Ex. 1145.

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<sup>35</sup> This document is publicly available through an organization that posts information concerning charities on the Internet at <http://www.guidestar.org>. This specific document may be retrieved from the Internet at the following address: <http://pdf.guidestar.org/1998/222/686/1998-222686608-1-z.pdf>.

<sup>36</sup> The Constitution and Bylaws which appear to be the current version, adopted in September 1983 and revised and amended on June 21, 1994, are included as an exhibit to this report. Ex. 490. There is a later draft version that appears by text at the bottom of the last page to have been considered in 1999. Ex. 491. However, it does not appear to have been approved at any meeting of the Fairfield County Sheriffs Association, Inc. in 1999. Ex. 491. The minutes of the December 1, 1999 meeting of the Fairfield County Sheriffs Association, Inc. show some amendments, but do not show the 1999 draft to have been adopted. Ex. 205.

<sup>37</sup> This is reduced from previous years due to a change in the policy.

<sup>38</sup> To take badges as an example, the minutes of meetings of the Fairfield County Sheriffs Association, Inc. indicate that badges were to "sell for \$150 including cases (our cost being \$25.00)." Ex. 199. This would bring a profit of \$125 to the association for each badge sold.

**(3) *Expenses of the Fairfield County Sheriffs Association, Inc.***

A review of records of the expenses of the Fairfield County Sheriffs Association, Inc. shows that many of those expenses are inappropriate for a charitable organization.

**(a) *The Fairfield County Sheriffs Association, Inc. Subsidizes Some Expenses of the Sheriff, Chief Deputy Sheriff, and Certain of its Officers.***

The Constitution & Bylaws of the Fairfield County Sheriffs Association, Inc. do not authorize subsidies for the Sheriff, Chief Deputy Sheriff or any other person. Ex. 490; Ex. 491. The association however, has in fact historically provided subsidies for several people, including the Sheriff and Chief Deputy Sheriff, as well as the President, Treasurer and Secretary of the association.

The Fairfield County Sheriffs Association, Inc. subsidies go back at least to 1994. In 1994 the Sheriff was provided \$1000 annually for the National Sheriffs Association ("NSA") convention, a \$2000 discretionary fund, no charge for insurance, no charge for association dues, no charge for subsequent assessments, and 10 tickets without charge for any event or dinner. The Chief Deputy Sheriff was exempted from any charge for insurance, association dues and subsequent assessments. The President was provided \$500 for attending the NSA convention. The Treasurer was provided a 50% credit for insurance, no charge for association dues and a 50% credit for subsequent assessments. The Secretary was provided a 50% credit for insurance, 50% credit for association dues and 50% credit for subsequent assessments.

These subsidies continue to the present. The budget assumptions for the 1999-2000 and 2000-2001 budgets for the Fairfield County Sheriffs Association, Inc. clearly reflect a full subsidy for insurance, dues, lobbying fees and additional assessments for the Sheriff and Chief Deputy Sheriff. These budget assumptions also reflect a 50% subsidy for insurance, dues, lobbying fees and additional assessments for the President, Treasurer and Secretary of the Fairfield County Sheriffs Association, Inc. Ex. 1122; Ex. 1123. These budget assumptions also reflect subsidies for the NSA convention<sup>39</sup>. Ex. 1122; Ex. 1123. A budget comparison for the current and previous four years shows expenses for NSA travel. Ex. 1121.

The subsidies are also shown on Fairfield County Sheriffs Association, Inc. records keeping track of member payments. An example is attached as an exhibit to this report. Ex. 1124. It is clear from reviewing Ex. 1124 that Sheriff Charles Valentino and Chief Deputy Sheriff Magnuson are not required to pay anything for insurance, dues, or lobbyist expenses. Ex. 1124. It is also clear that the President, Secretary and Treasurer of the Fairfield County Sheriffs

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<sup>39</sup>The minutes of the meeting of the Fairfield County Sheriffs Association, Inc. for March 25, 1997 indicate that the NSA convention subsidy for the President of the association was removed from the budget. Ex. 180. The minutes of the meeting of the Fairfield County Sheriffs Association, Inc. for May 26, 1998 indicate that the NSA convention subsidy for the President of the association was removed from the budget. Ex. 191. The minutes of the meeting of the Fairfield County Sheriffs Association, Inc. for April 20, 1999 indicate that the NSA convention subsidy for the President of the association was removed from the budget. Ex. 199. The subsidy for the Sheriff was not removed from the budget.

Association, Inc. only pay 50% of what other members pay. Ex. 1124. These five individuals are included as named insureds on the liability insurance policy. Ex. 1125. They also received certificates of insurance reflecting coverage under the liability insurance policy. Ex. 1126.

These subsidies appear to confer specific personal financial benefits on particular individuals. The granting of such personal financial benefits is inconsistent the legal status of the Fairfield County Sheriffs Association, Inc. as a charitable organization. We are also concerned about the provisions of Conn. Gen. Stat. § 6-46 which prohibit a Sheriff from receiving or demanding a benefit from a Deputy Sheriff. The fact that the Sheriff receives a liability insurance benefit which is in fact paid for by the Fairfield County Sheriffs Association, Inc., an association largely supported by dues and other payments by Deputy Sheriffs, as well as other subsidies, appears to us to be a benefit that the Sheriff is receiving from Deputy Sheriffs in violation of the statute.

**(b) Fairfield County Sheriffs Association, Inc. Payments for Lobbying.**

Another substantial expense item for the Fairfield County Sheriffs Association, Inc. is lobbying. During the time period that we reviewed, total lobbying expenses were \$12,790. Ex. 1145. Of that sum, \$7,790 were paid to the Connecticut State Sheriffs' Association. Ex. 541, Ex. 543.

Until 2000, the Fairfield County Sheriffs Association, Inc. routinely made checks payable for lobbying to the Connecticut State Sheriffs' Association. In 1997, the Fairfield County Sheriffs Association, Inc. paid \$3400 to the Connecticut State Sheriffs' Association. Ex. 801. Meeting minutes of the Fairfield County Sheriffs Association, Inc. for a meeting on April 21, 1998 discussed a lobbyist fee of \$3800. Ex. 190. Meeting minutes for a meeting on January 19, 1999 discussed a check for \$3,895. Ex. 196, Ex. 802. In fact, the Connecticut State Sheriffs' Association generally billed the Sheriff in the form of an "assessment" for lobbying expenses. Ex. 532. The Fairfield Association in fact paid two amounts to the Connecticut State Sheriffs' Association. A check (#1040) was dated January 19, 1999 in the amount of \$3,895. This was for 1998 expenses. Ex. 532. On March 16, 1999, the Fairfield County Sheriffs Association, Inc. authorized "High Sheriff-Elect Charles Valentino to choose the lobbyist that our Association hires to represent us this year." Ex. 198. Another check (#1052A) was dated April 25, 1999 in the amount of \$3,895. Ex. 543, Ex. 803. This was for 1999 expenses. Ex. 532. That the 1998 expenses were not paid until 1999 is also acknowledged in the Fairfield County Sheriffs Association, Inc.'s Form 990-EZ for 1998. Ex. 899.

Meeting minutes for the January 18, 2000 meeting of the Fairfield County Sheriffs Association, Inc., reflecting a new lobbyist, show that Stephen Duffy, "our lobbyist", was at the meeting, represented all of the counties, and would bill the association directly. Ex. 206. Such a bill for \$5000, dated January 20, 2000, was in fact sent to the Fairfield County Sheriffs Association, Inc.. Ex. 533. It was paid by the Fairfield County Sheriffs Association, Inc. by check dated January 26, 2000. Ex. 556.

**(c) The Fairfield County Sheriffs Association, Inc. Has Used Its Financial Resources for Political Activity.**

There is clear evidence of illegal campaign contributions by the Fairfield County Sheriffs Association, Inc.

On September 15, 1999 the Fairfield County Sheriffs Association, Inc. considered a motion to “donate \$1000 to Charlie’s campaign”. Ex. 193. The sum of \$1000 was in fact contributed to the Valentino for High Sheriff campaign committee.<sup>40</sup> Ex. 539. This check is dated September 15, 1998. Ex. 539. This appears on the campaign finance statement for the campaign committee for this time period. Ex. 358. In addition, the sum of \$300 was contributed to Connecticut Republicans.<sup>41</sup> Ex. 548. These political contribution do not appear on the Fairfield County Sheriffs Association, Inc.’s Form 990-EZ for 1998 that was filed with the Internal Revenue Service.<sup>42</sup>

Finally, also as noted in more detail in the portion of this report discussing campaign finance, \$1,500 in funds of the Fairfield County Sheriff Association, Inc. were used in connection with establishing a political action committee (“PAC”). Ex. 204, Ex. 208, Ex. 531. These funds were paid out, and the PAC was organized, prior to the Fairfield County Sheriffs Association, Inc. even authorizing the expense. Ex. 457, Ex. 458, Ex. 459, Ex. 531.

The Fairfield County Sheriffs Association, Inc. also appears to have been directly involved in the political process of screening candidates for Sheriff, an elected office. Minutes of the March 25, 1997 meeting of the Fairfield County Sheriffs Association, Inc. show that it formed a Screening Committee for candidates for Sheriff. Ex. 180. Minutes of the November 18, 1997 meeting of the Fairfield County Sheriffs Association, Inc. show that it received four applications for Sheriff, planned to report on candidates who refused to fill out applications, and was doing background checks on the candidates. Ex. 185. Since the Fairfield County Sheriffs Association, Inc. was not registered as a Political Action Committee, it should not have played any role in the process by which a candidate for an elected office was chosen. We are also concerned that an organization set up as a charity, like the Fairfield County Sheriffs Association, Inc., became involved directly in political activity.

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<sup>40</sup>This contribution was made on September 15, 1998, being a date prior to the general election. Ex. 359. This means that the Valentino campaign had full use of these funds during the election campaign. On February 17, 1999, well after the general election at which Valentino was elected, the Valentino campaign made a \$1000 payment, corresponding to these funds, to “Connecticut General Fund c/o Campaign Enforcement Div.” Ex. 366.

<sup>41</sup>We note that the Connecticut Republicans immediately recognized that the check came from an inappropriate source and promptly returned it. Ex. 549. The Connecticut Republicans acted properly by returning the check and has no responsibility for the actions of the Fairfield County Sheriffs’ Association, Inc.

<sup>42</sup>Line 37 of the form shows an expense of \$3,895 which is explained in the attached statement as a lobbying expense. Ex. 899. The political contribution to Valentino’s campaign simply does not appear on the form.

**(d) The Fairfield County Sheriffs Association, Inc. Has Provided Other Tangible Benefits to Specific Individuals.**

As noted above, the Fairfield County Sheriffs Association, Inc. has subsidized liability insurance, dues, lobbying fees and conference expenses for certain individuals. It is also clear from a review of records of the Fairfield County Sheriffs Association, Inc. that other tangible benefits have been provided to certain individuals.

Among the tangible benefits provided to former Sheriff Edwin Mak, were, for example, that the Fairfield County Sheriffs Association, Inc. provided an honorarium of \$3000 at the end of his term as Sheriff. Ex. 544. This payment was authorized at a May 18, 1999 meeting of the Fairfield County Sheriffs Association, Inc. Ex. 200. The Fairfield County Sheriffs Association, Inc. also provided former Sheriff Edwin Mak a payment of \$1000 for the National Sheriffs Association convention for 1998. Ex. 536. In addition, the association paid \$1,495.60 towards the hotel bill for attendance at this convention. Ex. 1134. The Fairfield County Sheriffs Association, Inc. provided former Sheriff Edwin Mak a cruise in Maine at a cost of \$352.33, which was billed to the association by a Deputy Sheriff. Ex. 534. The association paid this bill. Ex. 545. Finally, the Fairfield County Sheriffs Association, Inc. provided Sheriff Charles M. Valentino, Sr. a payment of \$1000 for the National Sheriffs Association convention for 1999. Ex. 546.

We have also been informed that the Fairfield County Sheriffs Association, Inc. is covering the legal expenses of several Deputy Sheriffs in Fairfield County who have sought to quash subpoenas issued in connection with this investigation for records. While we certainly respect their right to obtain legal representation, using charitable funds, such as the funds of the Fairfield County Sheriffs Association, Inc., is improper and perhaps illegal. A tangible personal benefit cannot be provided from charitable funds.

**(e) Although it is Organized as a Charity, the Fairfield County Sheriffs Association, Inc. has Devoted Only a Tiny Portion of its Funds For Charity.**

Although the Fairfield County Sheriffs Association, Inc. is organized as a charitable organization, only a tiny portion of its funds are actually used for charitable purposes. Moreover, the Fairfield County Sheriffs Association, Inc. made no expenditures for some charity programs mentioned in meeting minutes.

Expenditures which appear to be charitable in nature during the period that we reviewed are as follows: (1) \$500 to Gustave Vaillant for a "needy family", Ex. 550; and, (2) \$200 to WICC Toys for Tots, Ex. 550. This total is \$700. In addition, there were the following two contributions made in memory of Edwin Mak, the late Sheriff: (1) \$1,000 to St. Emery's Roman Catholic Church, Ex. 547; and, (2) \$50 to the Fairfield Elks Scholarship fund, Ex. 557. If the contributions in memory of Mak are added the total expenditures which appear to be charitable in nature is \$1,750. Ex. 1145.



As noted above, even giving the benefit of the doubt to the Fairfield County Sheriffs' Association, Inc. only \$1,750 of the \$148,686.05 revenue generated during the period of January 1, 1997 through April 15, 2000 were devoted to charitable purposes. This fact, combined with tangible financial benefits to individuals raises very serious questions about whether or not the Fairfield County Sheriffs Association, Inc. is a bona fide charity.

**(4) Referral to Department of Revenue Services.**

All of this information, along with other evidence, raises several concerns about the possible misuse of this organization's tax-exempt status. Accordingly, we are referring this matter to the Department of Revenue Services to further evaluate these issues, and to take whatever further action is warranted.

**3. Hartford County Sheriff's Department Community Charities Association, Inc.**

The Hartford County Sheriff's Department Community Charities Association, Inc. was incorporated in October 1995 as a Connecticut nonstock corporation. Ex. 896. The Certificate of Incorporation was amended in 1997 to clearly designate the organization as a charitable organization under Internal Revenue Code § 501(c)(3).<sup>43</sup> Ex. 897. According to this association's Form 990-EZ for 1998<sup>44</sup> the President of the association is Erwyn Glanz. Ex. 898. Glanz is a Deputy Sheriff for Hartford County. The Vice-President is Clark King. Ex. 898. The Secretary is Carolyn Carey. Ex. 898. The Treasurer is Mary Lou Kupchunos. Ex. 898. Mary Lou Kupchunos is the wife of Sheriff Walter Kupchunos.

Since the Hartford County Sheriff's Department Community Charities Association, Inc. has sought to quash the subpoena issued to its President to produce records we have not been able to analyze information concerning this entity. However, our investigation is ongoing as to this entity..

**4. Middlesex County Sheriffs' Association, Inc.**

The Middlesex County Sheriffs' Association, Inc. is organized as a charity. This association actually functions as a charity.

**(1) Organizational History.**

The Middlesex County Sheriffs' Association, Inc. was incorporated in April 1979 as a Connecticut nonstock corporation. Ex. 221. Its certificate of incorporation was amended in April

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<sup>43</sup> Organizations which have been approved by the Internal Revenue Service as charitable organizations pursuant to Internal Revenue Code § 501(c)(3) are listed in IRS Publication 78, which is also searchable on the internet at <http://www.irs.gov/search/eosearch.html>. The Hartford County Sheriff's Department Community Charities Association, Inc. does appear on this list.

<sup>44</sup> This document is publicly available through an organization that posts information concerning charities on the Internet at <http://www.guidestar.org>. This specific document may be retrieved from the Internet at the following address: <http://pdf.guidestar.org/1998/061/438/1998-061438201-1-z.pdf>

1984, to clearly establish this organization as a charitable organization under Internal Revenue Code § 501(c)(3).<sup>45 46</sup> Ex. 222.

In 1996 and 1997, Edward J. Stachura was the President of this association. Ex. 223, Ex. 224. Stuart E. Woods was a Vice-President. Ex. 223, Ex. 224. Woods is a Deputy Sheriff for Middlesex. Thomas Colwell was also a Vice-President. Ex. 223, Ex. 224. William H. Mann was Treasurer. Ex. 223, Ex. 224. Mann is a Special Deputy Sheriff for Middlesex. Joseph F. Piatti was Secretary. Ex. 223, Ex. 224. Piatti is a Special Deputy Sheriff for Middlesex.

In 1998, 1999 and 2000, Stuart E. Woods was the President of the Middlesex County Sheriffs' Association, Inc. Ex. 225, Ex. 226, Ex. 227. Woods is a Deputy Sheriff for Middlesex. Piatti remained Secretary. Ex. 225, Ex. 226, Ex. 227. Joseph Blancato became Treasurer in 2000. Ex. 227. Blancato is a Deputy Sheriff for Middlesex.

During most of 2000, Woods remained President. Ex. 227. Piatti remained Secretary. Ex. 227. Blancato remained Treasurer. Ex. 227. Later in 2000 Joseph Passanesi became President. S-129, p. 13. Passanesi is a Deputy Sheriff for Middlesex.

The periodic filings with the Secretary of the State for the Middlesex County Sheriffs' Association, Inc. since 1996 consistently show its principal place of business to be One Court Street in Middletown. Ex. 223, 224, 225, 226, 227. This location is the Superior Court for the Judicial District of Middlesex. In fact, the Middlesex County Sheriffs' Association, Inc. holds many of its meetings at the courthouse. Ex. 558, Ex. 563, Ex. 564, Ex. 566, Ex. 567, Ex. 570, Ex. 571.

Custom and accepted practice preclude the use of a courthouse for purposes other than official state functions associated with the administration of justice. A private organization, such as the Middlesex County Sheriffs' Association, Inc. would normally be barred from using a courthouse as its address.

**(2) *Funds of the Middlesex County Sheriffs' Association, Inc. Are In Fact Used for Charitable Purposes.***

Almost every meeting of the Middlesex County Sheriffs' Association, Inc., whether a board meeting or a meeting of the membership, involves some discussion of charitable efforts, including several charity balls, a charity golf tournament, sponsoring trips to ball games for children in hospitals, donations to Special Olympics, or other charitable donations. Ex. 558, Ex. 559, Ex. 560, Ex. 560, Ex. 561, Ex. 562, Ex. 563, Ex. 564, Ex. 565, Ex. 566, Ex. 567, Ex. 568, Ex. 569, Ex. 570, Ex. 571, Ex. 572, Ex. 573, Ex. 574, Ex. 576, Ex. 577, Ex. 578. The financial

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<sup>45</sup> Organizations which have been approved by the Internal Revenue Service as charitable organizations pursuant to Internal Revenue Code § 501(c)(3) are listed in IRS Publication 78, which is also searchable on the internet at <http://www.irs.gov/search/eosearch.html>. While the Middlesex County Sheriffs' Association, Inc. is clearly organized for charitable purposes, it does not appear on this list.

<sup>46</sup> In addition, organizations which solicit for charitable purposes in Connecticut are required to register with the Department of Consumer Protection, or claim an exemption from such registration. Conn. Gen. Stat. § 21a-175 et seq. This organization has not done so.

records of the Middlesex County Sheriffs' Association, Inc. show plainly that its primary purposes is charitable.

Financial records for the Middlesex County Sheriffs' Association, Inc. show that a total of \$44,793 out of \$80,813.80 in revenue, or 55.5% of the revenue, is from charitable donations. Ex. 1146. Adding this amount to this the net profit of special events that are intended to support charitable activity, yields total of \$62,524.80, or 77.4% of the revenue of \$80,813.80. Ex. 1146.

A review of the expenses for the Middlesex County Sheriffs' Association, Inc. also shows substantial charitable activity. Charitable donations of \$39,708.45 added to certificates of deposit which are actually used for scholarships of \$19,520.00 result in a total of \$59,228.45, or 80.3% of the expenses of \$73,749.87. Ex. 1146.

### **(3) Conclusion & Recommendation.**

The Middlesex County Sheriffs' Association, Inc. engages in bona fide charitable activities consistent with its purpose. Inexplicably, this association does not appear on the Internal Revenue Service list of approved charitable organizations. Since the Middlesex County Sheriffs' Association, Inc. in fact operates as a charity, we further recommend that it apply to the Internal Revenue Service for tax exempt status under Internal Revenue Code § 501(c)(3). In addition, this organization has not registered with the Department of Consumer Protection, or sought exemption from such registration. Clearly, these actions are legally required.

## **5. New Haven County Sheriffs Association, Inc.**

The New Haven County Sheriffs Association, Inc. is organized as a business league, not as a charitable organization, distinguishing it from other associations.

### **(1) Organizational History.**

The New Haven County Sheriffs Association, Inc. was incorporated in June 1997 as a Connecticut nonstock corporation.<sup>47</sup> The certificate of incorporation shows the initial address for this organization to be 235 Church Street in New Haven. Ex. 211. This location is the Superior Court for the Judicial District of New Haven. Additional documents on file with the Secretary of the State show that the New Haven County Sheriffs Association, Inc. has consistently referred to 235 Church Street in New Haven as the address of its principal office. Ex. 212, 213, 214, 215. Membership is limited to Deputy Sheriffs, Special Deputy Sheriffs and Honorary Deputy Sheriffs. Ex. 496, Art. IV.

In 1997, 1998 and 1999 the President of the New Haven County Sheriffs Association, Inc. was John Getlein. Ex. 212, Ex. 213, Ex. 214. Getlein is both a Deputy Sheriff and Special Deputy Sheriff for New Haven. The Vice-President was Peter Criscuolo. Ex. 212, Ex. 213, Ex. 214. Criscuolo is a Deputy Sheriff for New Haven. The Second Vice-President was Anthony Dirienzo.

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<sup>47</sup>Our review of membership applications indicates that it had an existence of some sort prior to being incorporated. However, our investigation did not focus on the more distant past.

Ex. 212, Ex. 213, Ex. 214. Dirienzo is a Special Deputy Sheriff Major for New Haven. During 1997 and 1998 the Treasurer was Donald R. Creller. Ex. 212, Ex. 213. Creller is a Deputy Sheriff for New Haven. The Deputy Treasurer was Maureen Merkle. Ex. 212, Ex. 213. Merkle is a Special Deputy Sheriff Captain for New Haven. The Sergeant at Arms was Norris H. Horton II. Ex. 212, Ex. 213. Horton is a Deputy Sheriff for New Haven. The Secretary was George J. Amato, Jr. Ex. 212, Ex. 213. Amato is a Deputy Sheriff for New Haven.

The officers of the New Haven County Sheriffs Association, Inc. changed in 2000. William Nolan became the President. Ex. 215. Nolan is a Deputy Sheriff for New Haven. Timothy Wall became Vice-President. Ex. 215. Timothy Wall is a Deputy Sheriff for New Haven. Maureen Merkle became Second Vice-President. Ex. 523. Merkle is a Special Deputy Sheriff Captain for New Haven. Richard Krueger became the Treasurer. Ex. 215. Krueger is a Deputy Sheriff for New Haven. The Secretary was George J. Amato, Jr. Ex. 523. Amato is a Deputy Sheriff for New Haven.

The New Haven County Sheriffs Association, Inc. was organized as a business league under Internal Revenue Code § 501(c)(6). Ex. 211, Ex. 496.<sup>48</sup> As noted above, this is a different status from a charitable organization under Internal Revenue § 501(c)(3).

Custom and accepted practice preclude the use of a courthouse for purposes other than official state functions associated with the administration of justice. A private organization, such as the New Haven County Sheriffs Association, Inc., would normally be barred from using a courthouse as its address.

## **(2) *Revenue of the New Haven County Sheriffs Association, Inc.***

We reviewed records of the New Haven County Sheriffs Association, Inc. covering the time period from January 1, 1997 through March 31, 2000. At the beginning of this time period the New Haven County Sheriffs Association, Inc. had \$381,752.82 on hand in several bank accounts. Ex. 1147. During this time period the New Haven County Sheriffs Association, Inc. received additional revenue of \$225,125.31. Ex. 1147. Insurance premiums accounted for \$133,739.00, or 59.4% of this revenue. Ex. 1147. Dues accounted for \$90,091.00, or 40.0% of this revenue. Ex. 1147.

The New Haven County Sheriffs Association, Inc. raises funds in part from its membership. The Bylaws call for *monthly* dues from Deputy Sheriffs in the amount of \$10.00, *monthly* dues from Special Deputy Sheriffs in the amount of \$10.00, and *annual* dues from Honorary Deputy Sheriffs in the amount of \$50, with the Board of Directors authorized to change these amounts. Ex. 496, Art. IV(A). The actual initial membership fee for honorary members is \$75, which includes annual membership in the association as well as the National Sheriffs' Association (including a publication from the National Sheriffs' Association and a \$3000 accidental death policy). The actual renewal fee for honorary members is \$50. Ex. R1. This

<sup>48</sup> Organizations which have been approved by the Internal Revenue Service as charitable organizations pursuant to Internal Revenue Code § 501(c)(3) are listed in IRS Publication 78, which is also searchable on the internet at <http://www.irs.gov/search/eosearch.html>. The New Haven County Sheriffs Association, Inc. does not appear on this list.

association also permits its Board of Directors to impose special assessments to be paid by all Deputy Sheriffs, Special Deputy Sheriffs and Honorary Deputy Sheriffs. Ex. 496, Art. IV(B).

**(3) *Expenses of the New Haven County Sheriffs Association, Inc.***

**(a) *The New Haven County Sheriffs Association, Inc. Subsidizes Some Expenses of the Sheriff, Chief Deputy Sheriff, and Certain of its Members.***

One of the major functions of the New Haven County Sheriffs Association, Inc. appears to be providing liability insurance for its members. Ex. 1147. Expenses for insurance premiums accounts for \$147,961.00 out of \$366,683.73, or 40.4% of the expenses during the period that we reviewed. Ex. 1147. An additional \$13,250.00 for insurance deductibles accounted for an additional 3.6% of the expenses. Ex. 1147.

The minutes of a meeting of the New Haven County Sheriffs Association, Inc. for May 28, 1998 note an assessment of each Deputy Sheriff of \$100 for a special insurance fund. Ex. 509. The minutes of a meeting of the New Haven County Sheriffs Association, Inc. for June 11, 1998 note approval of a motion that the civil process Deputy Sheriffs be self insured. Ex. 511. The minutes of a meeting for June 22, 1998 refer to an assessment on civil process Deputy Sheriffs of \$100 for a “Trailer Policy”. Ex. 512. The minutes of a meeting for June 15, 1999 refer to an assessment on Deputy Sheriffs for \$800 for insurance and membership in the National Sheriffs Association. Ex. 521.

While it is clear from the records of the New Haven County Sheriffs Association, Inc. that the Deputy Sheriffs are assessed for liability insurance costs, there is no record of the Sheriff or Chief Deputy Sheriff paying anything for liability insurance. For example, in 1996 and 1997, the names of Sheriff Henry Healey and Chief Deputy Sheriff [later Sheriff] Frank Kinney do not appear on the list maintained by the New Haven County Sheriffs Association, Inc. of Deputy Sheriffs who paid for liability insurance. Ex. 934. In 1998 and 1999, the names of Sheriff Frank Kinney and Chief Deputy Sheriff Domenic Jannetty do not appear on the list maintained by the New Haven County Sheriffs Association, Inc. of Deputy Sheriffs who paid for liability insurance. Ex. 935. Our review of financial records of Sheriff Kinney and Chief Deputy Sheriff Jannetty do not show either of them paying for liability insurance for the period that either of them was Sheriff or Chief Deputy Sheriff.. We are concerned about the New Haven County Sheriffs Association, Inc., as a tax exempt entity, providing this personal benefit to the Sheriff and Chief Deputy Sheriff.

While Deputy Sheriffs and some Special Deputy Sheriffs pay dues in order to receive all of the benefits of membership, there is no record of the Sheriff or Chief Deputy Sheriff paying any membership dues. For example, in 1997, the names of Sheriff Henry Healey and Chief Deputy Sheriff [later Sheriff] Frank Kinney do not appear on the list maintained by the New Haven County Sheriffs Association, Inc. of Deputy Sheriffs who paid dues.<sup>49</sup> Ex. 936. In 1998, 1999 and

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<sup>49</sup>The name of Domenic Jannetty appears, but only shows dues payments until he became Chief Deputy Sheriff. Ex. 936.

2000, the names of Sheriff Frank Kinney and Chief Deputy Sheriff Domenic Jannetty do not appear on the lists maintained by the New Haven County Sheriffs Association, Inc. of Deputy Sheriffs who paid for dues. Ex. 937; Ex. 938; Ex. 939. Our review of financial records of Sheriff Kinney and Chief Deputy Sheriff Jannetty do not show either of them paying for dues in the New Haven County Sheriffs Association, Inc. for this period. Hence, the New Haven County Sheriffs Association, Inc., as a tax exempt entity, provides this personal benefit to the Sheriff and Chief Deputy Sheriff.

The provisions of Conn. Gen. Stat. § 6-46 prohibit a Sheriff from receiving or demanding a benefit from a Deputy Sheriff. The fact that the Sheriff receives benefits which are in fact paid for by the New Haven County Sheriffs Association, Inc., an association largely supported by dues and other payments by Deputy Sheriffs and Special Deputy Sheriffs, appears to be a benefit that the Sheriff is receiving from Deputy Sheriffs in violation of the statute.

**(b) The New Haven County Sheriffs Association, Inc. Has Paid Legal Bills for Deputy Sheriffs Charged With Crimes.**

The New Haven County Sheriffs Association, Inc. apparently paid for legal counsel for three Deputy Sheriffs who had been arrested and against whom criminal charges were brought.<sup>50</sup> The minutes of an April 6, 1998 meeting of the New Haven County Sheriffs Association show a motion approved to “support the three Sheriff’s in their criminal action pending and we give them the financial support in the way of a loan as needed.” Ex. 508. The minutes of a February 11, 1999 meeting of the New Haven County Sheriffs Association, Inc. show authorization to pay \$12,500 for the attorneys’ bills, and that they would “be responsible for the re-payment to the Association.” Ex. 517. There were three separate bills for attorneys’ fees from the attorneys for each of the three Deputy Sheriffs.<sup>51</sup> Ex. 930; Ex. 931; Ex. 932. Each of the bills was paid in full by checks from the New Haven County Sheriffs Association, Inc.<sup>52</sup> Ex. 933. Our review of financial records for the New Haven County Sheriffs Association, Inc. does not show any repayment by these three Deputy Sheriffs to the association, even though the authorizations clearly indicate that the support was a “loan” and that the three Deputy Sheriffs are responsible for repayment.

**(c) The New Haven County Sheriffs Association, Inc. Subsidizes Convention Expenses for Specific Individuals.**

The New Haven County Sheriffs Association, Inc. has subsidized the expenses for some of its members to attend conventions of the National Sheriffs Association. These subsidies have been routinely provided for several years.

The Bylaws of the New Haven County Sheriffs Association, Inc. authorize subsidies of \$1000 for delegates to the annual National Sheriffs Association convention for the Chief Deputy

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<sup>50</sup>The criminal charges brought against these three Deputy Sheriffs were ultimately dismissed. Ex. 1135; Ex. 1136; Ex. 1137.

<sup>51</sup>One of these three bills was addressed to “Sheriff’s Department, Attention High Sheriff Frank Kinney”. Ex. 932. Another was addressed to “Dominic Jannetty, Chief Deputy Sheriff”. Ex. 930.

<sup>52</sup>Each of the checks includes the signature of Sheriff Frank Kinney. Ex. 933.

Sheriff, one delegate chosen from the Board of Directors, and one additional delegate who is a Deputy Sheriff or Special Deputy Sheriff chosen by the Board of Directors. Ex. 496, Art. XII.

Financial statements attached to the minutes of an August 18, 1997 meeting of the New Haven County Sheriffs Association, Inc. indicated that Deputy Sheriff Domenic Jannetty and Deputy Sheriff Jack Getlein each received \$1000 for the National Sheriffs Association convention. Ex. 501. Checks were in fact provided to each of them for \$1000. Ex. 1127; Ex. 1128.

The New Haven County Sheriff Association, Inc. paid \$853 for 7 rooms for the 1998 National Sheriffs Association convention. The check was drawn from the association's outing account. Ex. 1129. Also in 1998 Deputy Sheriff Jack Getlein, Deputy Sheriff John Burgarella and Deputy Sheriff Peter Criscuolo each received checks for \$1000 for the National Sheriffs Association convention. Ex. 1130; Ex. 1131; Ex. 1132. The minutes of a November 24, 1997 meeting of the New Haven County Sheriffs Association, Inc. indicate that a deposit of \$119 was to be deducted against the allotment for the subsidized delegates to the 1998 National Sheriff Association convention. Ex. 505. However, from examining the checks it is clear that there was no such deduction.

There were also subsidies to the 1999 National Sheriffs Association convention. In 1999 Deputy Sheriff John Burgarella and Deputy Sheriff Jack Getlein each received checks for \$1000 for the National Sheriffs Association convention. Ex. 1133.

**(d) The New Haven County Sheriffs Association, Inc. Makes Payments for Lobbying.**

The New Haven County Sheriffs' Association, Inc. paid lobbying expenses for the past few years. None of its expenditures appear on any of the financial statements filed with the Ethics Commission concerning sheriff lobbying. The lobbying expenses of the New Haven County Sheriffs Association, Inc. are consistently paid to the Connecticut State Sheriffs' Association.

Meeting minutes for the New Haven County Sheriffs Association, Inc. for a meeting on February 18, 1997 authorized the payment in the range of \$3,000 for "our share" of the lobbying expense. Ex. 498. Two checks were issued on August 7, 1997 by the New Haven County Sheriffs Association, Inc. to the Connecticut State Sheriffs' Association, one for \$500 and one for \$3900. Ex. 794, Ex. 795, Ex. 798. Meeting minutes for the New Haven County Sheriffs Association, Inc. for a meeting on February 11, 1999 authorize repaying Sheriff Kinney for the \$4000 paid to the lobbyist for the 1998 session. Ex. 517. Sheriff Kinney wrote a check to the Connecticut State Sheriffs' Association on May 28, 1998 for \$4000. Ex. 799. The New Haven County Sheriffs Association, Inc. reimbursed Sheriff Kinney by check for \$4000 dated February 16, 1999. Ex. 796. Meeting minutes for the New Haven County Sheriffs Association, Inc. for a meeting on June 15, 1999 show Sheriff Kinney discussing work of the lobbyist and obtaining authorization to pay up to \$4,500 for the lobbyist fee. Ex. 521. Minutes for the New Haven County Sheriffs Association, Inc. for a meeting on January 17, 2000 authorize a payment of \$4000 for the New Haven County share of the lobbyist contract with Gary Hale and Stephen Duffy. Ex. 527. In fact

the New Haven County Sheriffs Association, Inc. issued a check, dated January 20, 2000, to the Connecticut State Sheriffs' Association for \$4200. Ex. 797, Ex. 800.

**(4) Summary & Referral to Department of Revenue Services.**

Based upon evidence and information concerning the New Haven County Sheriffs Association, Inc. possible misuse of its tax exempt status, we are referring these issues to the Department of Revenue Services, as well as continuing our inquiry.

**6. Tolland County Sheriffs Association, Inc.**

The Tolland County Sheriffs Association, Inc. is organized as a nonprofit corporation. This association actually functions as a nonprofit organization.

**(1) Organizational History.**

The Tolland County Sheriffs Association, Inc. was incorporated in October 1991 as a Connecticut nonstock corporation. The certificate of incorporation makes no provision regarding its charitable status.<sup>53</sup> Ex. 228. The Bylaws of the Tolland County Sheriffs Association, Inc. state its purpose "to engender a spirit of camaraderie among all deputy sheriffs and special deputy sheriffs and to support the professional development of all members as well as to establish good will and understanding between the sheriffs department and the citizens of Tolland County." Ex. 493, Ex. 494. Membership is voluntary, but only Deputy Sheriffs or Special Deputy Sheriffs are eligible. Ex. 493, Ex. 494.

In 1997 and 1998, Henry J. Dadalt was the President of the Tolland County Sheriffs Association, Inc. Ex. 229, Ex. 230. Dadalt is a Special Deputy Sheriff for Tolland. Michael Pio was the Vice-President. Ex. 229, Ex. 230. Pio is a Special Deputy Sheriff Captain for Tolland. Dennis Haberman was the Treasurer. Ex. 229, Ex. 230. Haberman is a Special Deputy Sheriff for Tolland. Tim Poloski was Secretary. Ex. 229, Ex. 230. Poloski is a Deputy Sheriff for Tolland. Also, in 1998 Jean Bevins was Assistant Secretary. Ex. 230. Bevins is a Special Deputy Sheriff for Tolland.

In 1999, Vic Perry, Jr. was the President of the Tolland County Sheriffs Association, Inc. Ex. 231. Perry is a Deputy Sheriff for Tolland. Joseph Nedwied was Vice-President. Ex. 231. Nedwied was a Deputy Sheriff for Tolland. Steve Ciarcia was Treasurer. Ex. 231. Ciarcia is a Deputy Sheriff for Tolland.

The periodic filings with the Secretary of the State for the Tolland County Sheriffs Association, Inc. since 1997 consistently show its principal place of business to be 20 Park Street in Rockville. Ex. 229, 230, 231. This location is the Superior Court Criminal Courthouse for the Judicial District of Tolland.

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<sup>53</sup> Organizations which have been approved by the Internal Revenue Service as charitable organizations pursuant to Internal Revenue Code § 501(c)(3) are listed in IRS Publication 78, which is also searchable on the internet at <http://www.irs.gov/search/eosearch.html>. The Tolland County Sheriffs Association, Inc. does not appear on this list.



Custom and accepted practice preclude the use of a courthouse for purposes other than official state functions associated with the administration of justice. A private organization, such as the Tolland County Sheriffs' Association, Inc., would normally be barred from using a courthouse as its address.

**(2) *Utilization of Funds.***

A review of the income and expenses of the Tolland County Sheriffs Association, Inc. for the period from January 1997 through March 2000 showed total income of \$72,245.87 and total expenditures of \$67,440.81. Ex. 1148. Adding expenses of \$6,101.25 for charitable donations, \$5,216.44 for certificates of deposit used for scholarships, \$15,500.84 for a raffle and \$15,933.49 for a golf tournament results in a total of \$42,752.02, or 63.3% of its activity devoted to activities that are consistent with a tax exempt organization. Ex. 1148.

Some expenditures would be questionable in a tax exempt organization. For example, there are relatively small expenditures for a lobbyist and for political contributions. Ex. 1148.

**(3) *Summary & Recommendation.***

The Tolland County Sheriffs' Association, Inc. engages in some activities which are consistent with tax exempt purposes under the Internal Revenue Code. Accordingly, we recommend that this association consider a type of tax exempt status under the Internal Revenue Code and implement this decision. As a tax exempt organization it will need to be careful to ensure that it does not spend money for inappropriate purposes.

**7. Windham County Sheriffs Association, Inc.**

The Windham County Sheriffs Association, Inc. is organized and actually functions as a nonprofit corporation.

**(1) *Organizational History.***

The Sheriff's Association of Windham County, Inc. was incorporated in September 1995 as a Connecticut nonstock corporation. The certificate of incorporation states that no portion of its income or assets should be distributable to its members, directors or officers.<sup>54</sup> Ex. 232. In September 1998 the Certificate of Incorporation was amended to change its name to Windham County Sheriffs Association, Inc. Ex. 235. The Bylaws for the Windham County Sheriffs Association, Inc., among other things, call for it to further relations between sheriffs and the community, participate in community affairs and charitable endeavors. Ex. 810.

In 1998 David Page was President of the Windham County Sheriffs Association, Inc. Ex. 234. Page is a Deputy Sheriff for Windham. Ronald Peter was Vice-President. Peter is a Special

<sup>54</sup> Organizations which have been approved by the Internal Revenue Service as charitable organizations pursuant to Internal Revenue Code § 501(c)(3) are listed in IRS Publication 78, which is also searchable on the internet at <http://www.irs.gov/search/eosearch.html>. The Windham County Sheriffs Association, Inc. does not appear on this list.

Deputy Sheriff for Windham. Gloria Marion was Secretary. Ex. 234. Marion is a Special Deputy Sheriff for Windham. Arthur Johnston was Treasurer. Ex. 234. Johnston is a Deputy Sheriff for Windham. James Allard was Sergeant at Arms. Ex. 234. Allard is a Special Deputy Sheriff for Windham.

Page remained President in 1999. Ex. 236. Russell Downer became Vice-President. Ex. 236. Downer is a Special Deputy Sheriff for Windham. J. Michael Murphy became Treasurer. Ex. 236. Murphy is a Special Deputy Sheriff for Windham. Todd Tremblay became Sergeant at Arms. Ex. 236. Tremblay is a Special Deputy Sheriff for Windham.

The periodic filings with the Secretary of the State for the Windham County Sheriffs Association, Inc. have shown different principal places of business. When the corporation was first established in 1975 the principal place of business was 155 Church Street in Putnam. Ex. 233. In 1998 and 1999 the principal place of business was shown as 79 Lewiston Avenue in Willimantic. Ex. 234; Ex. 236.

**(2) *The Windham County Sheriffs' Association, Inc. Has Had Minimal Activity.***

We reviewed records for the period from January 1997 through April 2000. During this time the Windham County Sheriffs' Association, Inc. had minimal activity, with total income of \$6,143.00 and total expenses of \$5,534.80. Ex. 1149. Its income and expenses, minimal in amount, seem to raise no relevant issues at this point.

**(3) *Summary & Recommendation.***

The Windham County Sheriffs' Association, Inc. appears to have purposes consistent with tax exempt purposes under the Internal Revenue Code. Accordingly, it may wish to apply for such tax exempt status.

**C. REFERRAL TO DEPARTMENT OF REVENUE SERVICES.**

There is sufficient evidence that the Fairfield County Sheriffs Association, Inc. and New Haven County Sheriffs' Association, Inc. have misused their tax-exempt status to warrant review by the Department of Revenue Services. We stand ready to provide advice and assist with whatever further action it deems appropriate.

**IV. PERSONAL PURCHASES BY DEPUTY SHERIFFS OR SPECIAL DEPUTY SHERIFFS WITHOUT PAYING SALES TAX.**

- ♦ *The New London County Sheriff Department improperly authorized Deputy Sheriffs and Special Deputy Sheriffs to make personal purchases of items using a state sales and use tax exemption number.*

- ♦ *The sales and use tax exemption number provided in the authorizations by the New London County Sheriff Department simply does not exist.*
- ♦ *New London County Sheriff Gerard Egan has failed to account for all of the authorizations which may have been provided to make personal purchases of items without paying state sales tax.*

#### **A. AUTHORIZATIONS TO USE TAX EXEMPTION NUMBER IN NEW LONDON COUNTY.**

A letter on New London Sheriff Egan's official letterhead was provided to a vendor authorizing some Deputy Sheriffs and Special Deputy Sheriffs to make personal purchases of duty weapons "using the Sheriffs Department tax exemption #06730435K". Ex. R33; Ex. 1068<sup>55</sup>. Another similar letter, dated September 13, 1995, authorizes the use of the same tax exempt number for the purchase of ammunition. Ex. 209. There is also a memorandum on letterhead belonging to a defunct sheriff association in New London County which authorizes the use of the same tax exempt number for purchases at Gall's, Inc., a police supply house. The memorandum to Gall's, Inc. is dated February 7, 1996 and includes the signature of Sheriff Gerard Egan. Ex. 210.

We have attempted to get information from Sheriff Gerard Egan and the New London County Sheriff Department to identify, among other things, all such authorizations concerning use of a tax exemption number for personal purchases. During the course of the investigation this information was the subject of subpoenas issued on June 1, 2000. Ex. 342, 343. When Sheriff Egan produced limited information it did not explain who was given such authorizations. We sought additional information, following the subpoena by letter dated June 16, 2000, giving Sheriff Egan a sample of the authorizations that we were seeking. Ex. 344. We received a response from Sheriff Egan on June 22, 2000 along with three sample letters. Ex. 345. That response did not include all such authorizations that were provided. Accordingly, we followed up again on June 28, 2000. Ex. 346. The response was a short letter from Sheriff Egan, dated July 6, 2000, essentially restating his previous letter and a longer letter, dated July 28, 2000, which, among other things, claimed that records were improperly removed from his office, and that a subordinate of his told him it was acceptable to use the number. Ex. 347, 348. We sent another letter, dated August 2, 2000, specifically requesting that Sheriff Egan a list of the individuals receiving authorizations, as well as certain additional information, and what he did to ascertain the appropriateness of using the number. Ex. 349. By letter dated August 14, 2000, Sheriff Egan indicated: "I have provided all written information that is in my possession." He also noted that he was provided the number by a former manager in the Office of the County Sheriffs. Ex. 350. However, he has still not accounted for all such authorizations that he or Chief Deputy Sheriff Thomas Connors may have given.

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<sup>55</sup> The version of this letter that we marked as Ex. 1068 makes reference to an "attached list" of Special Deputy Sheriffs who were authorized to use it. The "attached list" was not actually attached to the copy of the letter that we obtained.

## **B. THE TAX AUTHORIZATION NUMBER USED IN NEW LONDON COUNTY DOES NOT EXIST.**

In 1987, the Office of the County Sheriffs circulated a letter indicating that it and the Sheriffs' Advisory Board were exempt from sale and use taxes as a state agency. This letter identified the tax exemption number as "06-730435K". Ex. 1115. This is the same tax exemption number as that used by New London County Sheriff Gerard Egan. Ex. R33; Ex. 209; Ex. 1068.

We asked the Department of Revenue Services about the status of this tax exemption number and were informed that it does not exist and has never existed. Ex. X1224. Neither the Office of the County Sheriffs nor Sheriff Gerard Egan should have used a nonexistent tax exemption number.

## **C. GOVERNMENT TAX EXEMPT STATUS WAS USED FOR PERSONAL PURCHASES.**

Documents show that personal purchases were made using the putative tax exemption number for the New London County Sheriff Department. These include purchases of duty weapons, ammunition, and supplies from a police supply house. Ex. R33; Ex. 209; Ex. 210; Ex. 1068.

## **D. REFERRAL TO DEPARTMENT OF REVENUE SERVICES.**

Use of an invalid tax exemption number — and for personal purchases — may well have violated Connecticut tax laws. Accordingly, we are referring the above concerns to the Department of Revenue Services for review, as well as continuing our inquiry. We stand ready to provide advice and assist with whatever further action it deems appropriate.

## **E. CONCLUSION & RECOMMENDATIONS.**

Authorizing anyone to make personal purchases of anything without paying sales tax, using nonexistent tax exemption numbers, is improper and potentially illegal. Since such authorizations were in fact provided, the Sheriff should account for allowing them. Further, the Sheriff should research and identify all purchases that were actually made with such authorizations, and all persons who made any purchases without actually paying the sales tax due the State should pay such sales tax now, along with whatever interest and penalties are appropriate.

## **V. CAMPAIGN FINANCE.**

- ♦ *The Fairfield County Sheriffs Association, Inc. made illegal campaign contributions, including a \$1000 contribution to the Valentino for High Sheriff campaign.*

- ♦ *The Fairfield County Sheriffs Association, Inc. inappropriately used its own resources to establish a political action committee.*
- ♦ *The political action committee formed by the Fairfield County Sheriffs Association, Inc. was misused in billing for security services provided by Fairfield County Sheriff Charles Valentino, along with several Deputy Sheriffs and Special Deputy Sheriffs at the Fairfield University Commencement.*
- ♦ *Deputy Sheriffs and Special Deputy Sheriffs contribute most of the funds which are used in the political campaigns for Sheriff elections.*

## **A. ILLEGAL CONTRIBUTIONS.**

### **1. Illegal Contribution to Valentino for High Sheriff Campaign.**

The Valentino for High Sheriff campaign committee received a contribution of \$1000 from the Fairfield County Sheriffs Association, Inc.<sup>56</sup> Ex. 539. This check is dated September 15, 1998. Ex. 539. It appears on the campaign finance statement for the campaign committee for this time period. Ex. 358. Since the Fairfield County Sheriffs Association, Inc. is not registered as a Political Action Committee, it was illegal for the Valentino for High Sheriff campaign committee to receive this contribution. Conn. Gen. Stat. §§ 9-333o, 9-333p.

### **2. Illegal Contributions by Fairfield County Sheriffs Association, Inc.<sup>57</sup>**

Certain conduct of the Fairfield County Sheriffs Association, Inc. appears to violate Connecticut campaign finance laws, as summarized here:<sup>58</sup>

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<sup>56</sup>This contribution was made on September 15, 1998, being a date prior to the general election. Ex. 359. This means that the Valentino for High Sheriff campaign had full use of these funds during the election campaign. On February 17, 1999, well after the general election at which Valentino was elected, the Valentino for High Sheriff campaign made a \$1000 payment, corresponding to these funds, to "Connecticut General Fund c/o Campaign Enforcement Div." Ex. 366.

<sup>57</sup>The organizational history of the Fairfield County Sheriffs Association, Inc. is described in the portion of this report describing sheriff associations.

<sup>58</sup>The Fairfield County Sheriffs Association, Inc. also appears to have been directly involved in the political process of screening candidates for Sheriff, an elected office. Minutes of the March 25, 1997 meeting of the Fairfield County Sheriffs Association, Inc. show that it formed a Screening Committee for candidates for Sheriff. Ex. 180. Minutes of the November 18, 1997 meeting of the Fairfield County Sheriffs Association, Inc. show that it received four applications for Sheriff, planned to report on candidates who refused to fill out applications, and was doing background checks on the candidates. Ex. 185. Since the Fairfield County Sheriffs Association, Inc. was not registered as a Political Action Committee it should not have played any role in the process by which a candidate for an elected office was chosen.

**(1) *The Fairfield County Sheriffs Association, Inc. Made an Illegal Contribution to the Valentino for High Sheriff Campaign Committee.***

As noted above, the Fairfield County Sheriffs Association, Inc. made a \$1000 contribution to the Valentino for High Sheriff campaign committee. Ex. 539. In addition, the sum of \$300 was contributed to Connecticut Republicans.<sup>59</sup> Ex. 548. Since the Fairfield County Sheriffs Association, Inc. is not registered as a Political Action Committee, it was illegal for the Fairfield County Sheriffs Association, Inc. to make these contributions. Conn. Gen. Stat. §§ 9-333o, 9-333p.

**(2) *The Fairfield County Sheriffs Association, Inc. Inappropriately Used Its Own Resources To Establish A Political Action Committee.***

The minutes of the Fairfield County Sheriffs Association, Inc. show that the Fairfield County Sheriffs Association, Inc. had a role in forming a political action committee ("PAC"). In fact, at the association meeting on November 16, there was a vote to authorize \$1,500 to serve as seed money for a PAC. Ex. 204. The authorization called for reimbursement of the \$1,500 by the PAC once it was formed. Ex. 204. A check in this amount was in fact paid to the attorney who performed legal work associated with forming the PAC. Ex. 530. There was additional discussion at the association meeting on March 21, 2000 of when this \$1,500 would be paid back to the association. Ex. 208.

A PAC named "Fairfield County Sheriffs Political Action League" was in fact organized in October 1999. Ex. 457, Ex. 458. This PAC was organized *prior* to the meeting of the Fairfield County Sheriffs Association, Inc. at which its formation was authorized. Ex. 457, Ex. 458. The cover letter to the Secretary of the State was dated October 26, 1999. Ex. 459. The check for \$1,500 to an attorney to organize this PAC was dated November 1, 1999, also *prior* to the date that this expense from the Fairfield County Sheriffs Association, Inc. was authorized. Ex. 531. The amount of the check corresponds to the amount of the bill from the attorney for forming this PAC. Ex. 530. None of the financial statements required to be filed with the Secretary of the State were submitted time. Ex. 460, Ex. 462, Ex. 464. The financial statements on file with the Secretary of the State show no receipts or expenditures of any sort for this PAC. Ex. 461, Ex. 463, Ex. 465.

The PAC's statement of organization indicated that it planned to use the Patriot National Bank in Stamford. Ex. 457. Patriot National Bank has no record of any such account. Ex. 1089.

The documentary evidence shows that the Fairfield County Sheriffs Association, Inc. used its own resources to establish a political action committee. This was simply not appropriate.

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<sup>59</sup>We note that the Connecticut Republicans immediately noted that the check came from an inappropriate source and promptly returned it. Ex. 549. The Connecticut Republicans acted properly by returning the check and has no responsibility for the actions of the Fairfield County Sheriffs' Association, Inc.

## **B. THE POLITICAL ACTION COMMITTEE STATUS OF THE FAIRFIELD COUNTY SHERIFFS POLITICAL ACTION LEAGUE WAS MISUSED.**

An improper payment may have been made where Fairfield County Sheriff Charles Valentino arranged for himself along with several Deputy Sheriffs and Special Deputy Sheriffs to provide security services for the Commencement at Fairfield University.<sup>60</sup> All of them were in uniform. S-144, pp. 23 -30. Fairfield University paid the Fairfield County Sheriffs Department the sum of \$1200 for the services performed by the sheriffs at Commencement. Ex. 750.

The bill for these services was on a form from the Fairfield County Sheriff Dept. PAC, or political action committee.<sup>61</sup> Ex. 750. The bill was paid by a representative of Fairfield University personally handing the check to Sheriff Valentino. S-144, p. 35. Valentino then gave the check to Deputy Sheriff Rafael Segarra, in the presence of the Fairfield University representative. S-144, p. 36. Segarra is the Treasurer of the PAC. Ex. 457, Ex. 458. The bill for the services was from the PAC and Segarra's name was actually listed on the bill as the Treasurer of the PAC. Ex. 750.

The check provided to Sheriff Valentino which he then turned over to Segarra does not appear on any of the financial reports of the PAC. Ex. 461, Ex. 463, Ex. 465. Moreover, the services performed for Fairfield University by the Sheriff, some Deputy Sheriffs, and some Special Deputy Sheriffs, do not appear as in-kind contributions on the financial reports of the PAC. Ex. 461, Ex. 463, Ex. 465. The check does appear to have been deposited by the Fairfield County Sheriffs Association, Inc. The check was actually issued to "Fairfield County Sheriffs Dept". Ex. 751, Ex. 752. The endorsement includes the number "0100308023" and the initials "FCSA". Ex. 752. The number corresponds to the same account belonging to the Fairfield County Sheriffs Association, Inc. that was drawn on for the illegal contribution to the Valentino for High Sheriff campaign. Ex. 539.

Why would a PAC be billing for security services performed by sheriffs, especially uniformed sheriffs? Why would a check generated following a bill by the PAC would actually get deposited in an account of the Fairfield County Sheriffs Association, Inc. without any reporting of the transaction in the PAC's financial reports?

## **C. SHERIFF SUBORDINATES ARE THE MAJOR CONTRIBUTORS TO SHERIFF CAMPAIGNS AND POLITICAL ACTION COMMITTEES ASSOCIATED WITH SHERIFFS.**

We reviewed the campaign finance reports filed with the Secretary of the State in connection with the last general election for Sheriff and for all of the political action committees associated with Sheriffs. We found a very high proportion of contributors who were Deputy Sheriffs or Special Deputy Sheriffs, or their family members.<sup>62</sup> Ex. 1188.

<sup>60</sup>This is described in greater depth in the portion of this report which documents extra duty security services.

<sup>61</sup>This PAC that was formed with resources from the Fairfield County Sheriffs Association, Inc., as described above.

<sup>62</sup>We compared the campaign finance reports with lists of all Sheriffs, Deputy Sheriffs and Chief Deputy Sheriffs. We also included all contributions from individuals who had the same last name and were shown at the same address as a Sheriff, Deputy Sheriff or Special Deputy Sheriff. In addition, if the campaign finance report itself showed an individual as a sheriff that was included.

### **1. Fairfield County.**

The Valentino for Sheriff campaign had total contributions of \$91,866.95. Ex. 369. Of that sum \$72,808.00, or 79.25%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1194.

### **2. Hartford County.**

The Kupchunos for Sheriff '98 campaign had total contributions of \$196,021.75. Ex. 456. Of that sum \$76,453.75, or 39%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1191. In addition, the Friends of Walt Kupchunos political action committee had total contributions of \$6,350.00. Ex. 469. Of that sum \$3,490.00, or 54.96%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1198.

### **3. Litchfield County.**

The People for Sheriff Zaharek campaign had total contributions of \$15,446.00. Ex. 392. Of that sum \$7,983.00, or 51.68%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1195.

### **4. Middlesex County.**

The Re-Elect Bibisi 98' campaign had total contributions of \$37,064.00. Ex. 417. Of that sum \$7,800.00, or 21.04%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1189.

### **5. New Haven County.**

The Kinney for Sheriff campaign had total contributions of \$219,610.00. Ex. 385. Of that sum \$91,590.00, or 41.71%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1192. In addition, the Five Star PAC had total contributions of \$9,475.00. Ex. 478. Of that sum \$4,225, or 44.59%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1197.

### **6. New London County.**

The Egan, Sheriff '98 campaign had total contributions of \$22,190.18. Ex. 399. Of that sum \$12,255.00, or 55.23%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1190.

### **7. Tolland County.**

The Re-Elect Mike Piccoli campaign had total contributions of \$16,415.00. Ex. 406. Of that sum \$11,475.00, or 69.91%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1193.

### **8. Windham County.**

The White '98 campaign had total contributions of \$13,736.00. Ex. 425. Of that sum \$4,848.00, or 35.29%, came from sheriffs or sheriff relatives. Ex. 1188; Ex. 1196.



#### **D. REFERRAL TO ELECTIONS ENFORCEMENT COMMISSION.**

The foregoing facts, combined with additional information concerning coercive or threatening solicitations, strongly suggest the need for further inquiry as to possible violations of Connecticut campaign finance laws. In particular, the illegal contributions to the Valentino for Sheriff campaign, contribution to establish the Fairfield County Sheriffs Political Action League, and misuse of that political action committee may run afoul of applicable law. Accordingly, we seek involvement of the Elections Enforcement Commission, in a continuing investigation with our offices for review and to take whatever further action it deems appropriate. We stand ready to provide advice and assist with whatever further action it deems appropriate.

#### **VI. CODE OF ETHICS FOR LOBBYISTS.**

- ♦ *Although lobbying is the primary function of the Connecticut State Sheriffs' Association, this association did not report all sources of funds over \$2000 as required by the Code of Ethics for Lobbyists.*
- ♦ *The lobbyist registration and financial reporting forms for the Connecticut State Sheriffs' Association were not accurate.*
- ♦ *Although the Fairfield County Sheriffs Association, Inc. has paid lobbying expenditures exceeding \$2000 it has failed to register as a lobbyist under the Code of Ethics for Lobbyists.*
- ♦ *Although the New Haven County Sheriffs Association, Inc. has paid lobbying expenditures exceeding \$2000 it has failed to register as a lobbyist under the Code of Ethics for Lobbyists.*

#### **A. LEGAL BACKGROUND.**

Under Conn. Gen. Stat. § 1-94 all lobbyists who either receive or agree to receive compensation of more than \$2000 in a calendar year, or who make or incur an obligation to make an expense of more than \$2000 in a calendar year, are required to register with the Ethics Commission. A “‘Client lobbyist’ means a lobbyist on behalf of whom lobbying takes place and who makes expenditures for lobbying and in furtherance of lobbying.” Conn. Gen. Stat. § 1-91(u). A “‘Communicator lobbyists’ means a lobbyist who communicates directly or solicits others to communicate with an official or his staff in the legislative or executive branch of government or in a quasi-public agency for the purpose of influencing legislative or administrative action.” Conn. Gen. Stat. § 1-91(v). The Ethics Commission has issued guidance with respect to registration as a lobbyist. Ex. 758.

Client lobbyists are required to file financial reports with the Ethics Commission. Conn. Gen. Stat. § 1-96. If any registrant with the Ethics Commission, such as a client lobbyist, “is formed primarily for the purpose of lobbying, it shall disclose the name and address of any person contributing two thousand dollars or more to the registrant’s lobbying activities in any calendar

year.” Conn. Gen. Stat. § 1-95(a)(3). In two advisory opinions the Ethics Commission has construed the phrase “organized primarily for the purpose of lobbying” in a fashion that looks to the totality of the circumstances surrounding the lobbying activity. Ex. 759, Ex. 760. Thus, if 80% of a corporation’s total activities are not lobbying related, even if all it does in Connecticut is lobby, the corporation is not organized primarily for lobbying. Ex. 759. On the other hand, if vast majority of an entity’s activities are lobbying related and it is registered as a lobbyist in Connecticut, the provisions of Conn. Gen. Stat. § 1-95(a)(3) apply. Ex. 760.

Communicator lobbyists are also required to file financial reports with the Ethics Commission. These reports are required to report the amounts of compensation and reimbursement from each client. Conn. Gen. Stat. § 1-96.

## **B. CONNECTICUT STATE SHERIFFS’ ASSOCIATION.<sup>63</sup>**

An entity calling itself the Connecticut State Sheriffs’ Association is registered with the Ethics Commission as a client lobbyist. Ex. 761, Ex. 771. We reviewed lobbyist registrations for 1998 through 2000.

### **1. Lobbyist Registrations & Financial Reporting.**

#### **(1) 1998.**

The Connecticut State Sheriffs’ Association’s 1998 lobbyist registration shows Joseph E. Bibisi, Sheriff for Middlesex County, as an in-house communicator. Ex. 761. This registration shows John C. King and Christopher C. Healy as outside communicators. Ex. 761. The portion of the registration form calling for disclosure of any person contributing \$2,000 or more to the association’s lobbying activities in any calendar year is blank. Ex. 761.

In 1998, the Updike, Kelly & Spellacy Public Affairs Corporation filed a communicator lobbyist registration showing King & Healy as its members, Ex. 762, corresponding with the information in the association registration.

The periodic financial reports filed by the Connecticut State Sheriffs’ Association show expenditures during 1998 to Joseph Bibisi and Updike, Kelly & Spellacy. Ex. 763 through Ex. 767. Joseph Bibisi’s communicator lobbyist annual report shows the items concerning him.<sup>64</sup> Ex. 768. Updike’s communicator lobbyist annual report also shows the items concerning it. Ex. 769. Updike’s annual report for 1998 shows total payments of \$9545.83. Ex. 769. This corresponds to checks to Updike from the association. Ex. 783, Ex. 784.

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<sup>63</sup> The organizational history of the Connecticut State Sheriffs’ Association is described in the portion of this report describing sheriff associations.

<sup>64</sup> Since the sums involved are very small they are not addressed further here. They are broken down in the exhibits referred to in the body of this report.

(2) **1999-2000.**

The Connecticut State Sheriffs' Association's 1999-2000 lobbyist registration shows Joseph E. Bibisi, Sheriff for Middlesex County, as an in-house communicator. Ex. 771. This registration shows John C. King and Christopher C. Healy as outside communicators. Ex. 771. The portion of the registration form calling for disclosure of any person contributing \$2,000 or more to the association's lobbying activities in any calendar year is blank. Ex. 771.

In 1999, the Updike, Kelly & Spellacy Public Affairs Corporation filed a communicator lobbyist registration showing King & Healy as its members. Ex. 772. This corresponds with the information in the Connecticut State Sheriffs' Association registration.

In 2000, Stephen J. Duffy also filed a communicator lobbyist registration concerning the Connecticut State Sheriffs' Association. Ex. 773. The association did *not* amend its earlier filing to show this additional lobbyist.

The periodic financial reports filed by the Connecticut State Sheriffs' Association show expenditures during 1999 and 2000 to Joseph Bibisi and Updike, Kelly & Spellacy. Ex. 774 through Ex. 777. Joseph Bibisi's communicator lobbyist annual report for 1999 shows the items concerning him.<sup>65</sup> Ex. 778. Updike's communicator lobbyist annual report for 1999 also shows the items concerning it. Ex. 779. Updike's annual report for 1999 shows total payments of \$18,622.64. Ex. 779. The payments shown for 2/99 and 12/99 correspond to checks to Updike from the association. Ex. 785, 787. However, Updike's annual report for 1999 shows total payments for 8/99 of \$8211.38. Ex. 779. The corresponding check from the association to Updike was for \$10,000. Ex. 786. This represents \$1788.62 to Updike that were not accounted for in Updike's annual report for 1999.

There is also an inaccurate period financial report filed by the Connecticut State Sheriffs' Association concerning lobbying for it by Stephen J. Duffy for the first quarter of 2000. Ex. 780. This report was amended by a letter from Duffy. Ex. 781. Duffy also filed a periodic report for the Connecticut State Sheriffs' Association for the second quarter of 2000. Ex. 782. Duffy's reports show total payments to his firm by the association in 2000 of \$18,500 as follows: (1) \$3,375 on February 22, 2000; (2) \$5,000 on February 29, 2000; (3) \$1,750 on March 6, 2000; (4) \$3,375 on March 31, 2000; (5) \$2,500 on May 4, 2000; (6) \$1,500 on June 9, 2000; and, (7) \$1,000 on June 30, 2000. Ex. 781, 782. The payments beginning March 31, 2000 correspond to checks from the Connecticut State Sheriffs' Association to Duffy. Ex. 790, Ex. 791, Ex. 792, Ex. 793. There were two earlier checks from the Connecticut State Sheriffs' Association to Duffy — January 12, 2000 for \$2,650 and March 6, 2000 for \$1,675. Ex. 788, Ex. 789. These do not appear to correspond to any of the payments reported by Duffy. In addition, Duffy received a check, dated January 26, 2000 from the Fairfield County Sheriffs Association, Inc., a separate organization, for \$5,000. Ex. 556. While the amount corresponds to a payment Duffy reports, the date is one month off. In addition, the Fairfield County Sheriffs Association, Inc. check resulted from a bill that Duffy sent to it dated January 20, 2000. Ex. 533.

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<sup>65</sup> Since the sums involved are very small they are not addressed further here. They are broken down in the exhibits referred to in the body of this report.

(3) *Summary.*

Material discrepancies appear the financial reporting forms associated with lobbying activity for the Connecticut State Sheriffs' Association. In light of our referral to the Ethics Commission, as noted below, we will work with it in further review of these issues. It is the subject matter expert in the Code of Ethics for Lobbyists the Ethics Commission, and so is best qualified to resolve these issues.

**2. The Lobbyist Registration Forms For The Connecticut State Sheriffs' Association Do Not Include Required Information Concerning Contributors To The Association.**

The deposits and withdrawals from the Connecticut State Sheriffs' Association checking account at Fleet Bank, which we obtained pursuant to a subpoena, show that during the past few years the primary purpose of this organization was lobbying.

Our review covered deposits and withdrawals from January 1997 through April 2000. During that period, \$57,243 out of \$60,743 in income, or 94.2% of the income of the Connecticut State Sheriffs' Association was expressly designated for lobbyist fees.<sup>66</sup> Ex. 1141. Our analysis also shows that \$62,017.74 out of \$66,340.01, or 93.5% of the expenses of the Connecticut State Sheriffs' Association are for lobbying. Ex. 1141.

Since the primary function of the Connecticut State Sheriffs' Association was lobbying, it was required to report any person who contributed \$2000 or more during any calendar year.

In fact there were several examples of persons who made payments to the Connecticut State Sheriffs' Association of greater than \$2000. Payments by the Fairfield County Sheriffs Association, Inc. and New Haven County Sheriffs Association, Inc. of \$2000 or more are noted in discussion below. In addition, on February 24, 2000 the Middlesex County Sheriffs Department paid a check for \$2000. Ex. 1142. Similarly, in 1999 the Tolland County Sheriff's Department paid two checks, one for \$1235 and one for \$1330, for a total of \$2565. Ex. 1143; Ex. 1144.

**C. FAIRFIELD COUNTY SHERIFFS ASSOCIATION, INC.<sup>67</sup>**

The Fairfield County Sheriffs Association, Inc. has made lobbying expenditures for the past few years. None of its expenditures appear up on any of the financial statements filed with the Ethics Commission concerning sheriff lobbying.

Until 2000, the Fairfield County Sheriffs Association, Inc. made checks payable to the Connecticut State Sheriffs' Association. In 1997, the Fairfield County Sheriffs Association, Inc. paid \$3400 to the Connecticut State Sheriffs Association. Ex. 801. Meeting minutes for the

<sup>66</sup>Our analysis shows that the remaining \$3,500, or 5.8%, of income is received from annual dues. Ex. 1141. If these dues are also classified as lobbying income, then 100% of the income of the Connecticut State Sheriffs' Association is for lobbying.

<sup>67</sup>The organizational history of the Fairfield County Sheriffs Association, Inc. is described in the portion of this report describing sheriff associations.

Fairfield County Sheriffs Association, Inc. for a meetings on April 21, 1998 discussed a lobbyist fee of \$3800. Ex. 190. Meeting minutes for a meeting on January 19, 1999 discussed a check for \$3,895. Ex. 196, Ex. 802. In fact, the Connecticut State Sheriffs' Association would bill the Sheriff in the form of an "assessment" for lobbying expenses. Ex. 532. The Fairfield County Sheriffs Association, Inc. in fact paid two amounts to the Connecticut State Sheriffs' Association. A check (#1040) was dated January 19, 1999 in the amount of \$3,895. This was for 1998 expenses. Ex. 532. Another check (#1052A) was dated April 25, 1999 in the amount of \$3,895. Ex. 543, Ex. 803. This was for 1999 expenses. Ex. 532.

In 2000 there was a different lobbyist. The meeting minutes for the January 18, 2000 meeting of the Fairfield County Sheriffs Association, Inc. show that Stephen Duffy, "our lobbyist", was at the meeting, represented all of the counties, and would bill the association directly. Ex. 206. Such a bill for \$5000, dated January 20, 2000, was in fact sent to the Fairfield County Sheriffs Association, Inc. Ex. 533. It was paid by the Fairfield County Sheriffs Association, Inc. by check dated January 26, 2000. Ex. 556.

It is noteworthy that the Fairfield County Sheriffs Association, Inc. had lobbying expenses for several years in excess of \$2000 for each year. However, the Fairfield County Sheriffs Association, Inc. is not registered with the Ethics Commission as a client lobbyist. Nor do its expenditures appear on registration forms or financial reports associated with lobbying activities.

#### **D. NEW HAVEN COUNTY SHERIFFS' ASSOCIATION, INC.<sup>68</sup>**

The New Haven County Sheriffs' Association, Inc. has had lobbying expenditures for the past few years. None of its expenditures appear on any of the financial statements filed with the Ethics Commission concerning sheriff lobbying. This association's lobbying expenses would always be covered ultimately by the Connecticut State Sheriffs' Association.

Meeting minutes for the New Haven County Sheriffs' Association, Inc. for a meeting on February 18, 1997 authorized the payment in the range of \$3,000 for "our share" of the lobbying expense. Ex. 498. Two checks were issued on August 7, 1997 by the New Haven County Sheriffs' Association, Inc. to the Connecticut State Sheriffs' Association, one for \$500 and one for \$3900. Ex. 794, Ex. 795, Ex. 798. Meeting minutes for the New Haven County Sheriffs' Association, Inc. for a meeting on February 11, 1999 authorize repaying Sheriff Kinney for the \$4000 paid to the lobbyist for the 1998 session. Ex. 517. Sheriff Kinney wrote a check, from one of his own accounts, to the Connecticut State Sheriffs' Association on May 28, 1998 for \$4000. Ex. 799. The New Haven County Sheriffs' Association, Inc. reimbursed Sheriff Kinney by check for \$4000 dated February 16, 1999. Ex. 796. Meeting minutes for the New Haven County Sheriffs' Association, Inc. for a meeting on June 15, 1999 show Sheriff Kinney discussing work of the lobbyist and obtaining authorization to pay up to \$4,500 for the lobbyist fee. Ex. 521. Minutes for the New Haven Association for a meeting on January 17, 2000 authorize a payment of \$4000 for the New Haven County share of the lobbyist contract with Gary Hale and Stephen Duffy. Ex.

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<sup>68</sup>The organizational history of the New Haven County Sheriffs' Association, Inc. is described in the portion of this report describing sheriff associations.

527. In fact, the New Haven County Sheriffs' Association, Inc. issued a check, dated January 20, 2000, to the Connecticut State Sheriffs' Association for \$4200. Ex. 797, Ex. 800.

It is noteworthy that the New Haven County Sheriffs' Association, Inc. had lobbying expenses for several years in excess of \$2000 for each year. However, this association is not registered with the Ethics Commission as a client lobbyist. Nor do its expenditures appear on registration forms or financial reports associated with lobbying activities.

#### **E. OTHER COUNTIES.**

We also reviewed the receipts of the Connecticut State Sheriffs' Association from counties other than Fairfield and New Haven. There are varying practices in the other counties. In some counties the individual sheriffs pay their lobbyist checks directly to the Connecticut State Sheriffs' Association while in others a single check is issued either by a sheriff association or a check drawn on an account established in the name of an individual sheriff department. Ex. 1141.

In our review we noticed only two other counties that met the \$2000 threshold that is significant for the Code of Ethics for Lobbyists. In 1999, the Middlesex County Sheriffs Department paid \$1900 to the Connecticut State Sheriffs' Association. Ex. 803. However, in 2000 the Middlesex County Sheriffs Department check was for \$2000. Ex. 804. This \$2000 expenditure does not appear on registration forms or financial reports associated with lobbying activities. Similarly, in 1999 the Tolland County Sheriff's Department paid two checks, one for \$1235 and one for \$1330, for a total of \$2565. Ex. 1143; Ex. 1144. This \$2000 expenditure also does not appear on registration forms or financial reports associated with lobbying activities.

#### **F. REFERRAL TO ETHICS COMMISSION.**

The foregoing facts strongly suggest to us that there may have been violations of the Connecticut Code of Ethics for Lobbyists. Accordingly, we are referring the above concerns to the Ethics Commission for review jointly with our offices, and we stand ready to assist it in taking whatever further action is appropriate.

### **VII. USE OF DEPUTY SHERIFFS AND SPECIAL DEPUTY SHERIFFS FOR EXTRA DUTY SECURITY WORK.**

- ♦ *Fairfield County Sheriff Charles Valentino improperly arranged for uniformed Deputy Sheriffs and Special Deputy Sheriffs to perform security services at the Fairfield University Commencement and at a concert sponsored by Fairfield University. The Sheriff and all Deputy Sheriffs and Special Deputy Sheriffs present at such events were in uniform. The Sheriff and some of the Deputy Sheriffs and Special Deputy Sheriffs were armed. Funds that Fairfield University paid in connection with these events were deposited into accounts of the Fairfield County Sheriff Association, Inc. and Sheriff Charles Valentino. Extra duty work by sheriffs should not result in financial benefit to private organizations or individuals.*

- ♦ *Fairfield University paid \$1200 for the security services at the Commencement. The bill was from the political action committee formed by the Fairfield County Sheriff Association, Inc.. The check was made payable to the Fairfield County Sheriff Department and then deposited into an account belonging to the Fairfield County Sheriff Association, Inc.*
- ♦ *Fairfield University paid \$1500 for the security services at the concert. The bill was from Sheriff Valentino. This check was made payable to the Fairfield County Sheriff Department and then deposited into an account belonging to Sheriff Charles Valentino.*
- ♦ *Fairfield County Sheriff Charles Valentino was deceptive when asked by the Office of the County Sheriffs to explain what happened at the Fairfield University events.*
- ♦ *It is highly inappropriate for the Sheriff to arrange for himself, Deputy Sheriffs and Special Deputy Sheriffs to provide security services as sheriffs for the financial benefit of a private organization.*

In the course of our investigation we learned of occasions where arrangements were made for a Sheriff, Deputy Sheriffs and Special Deputy Sheriffs to provide security services outside of a courthouse. We set forth such instances which have been sufficiently documented to report.

**A. FAIRFIELD COUNTY DEPUTY SHERIFFS AND SPECIAL DEPUTY SHERIFFS HAVE BEEN USED TO PROVIDE SECURITY AT FAIRFIELD UNIVERSITY EVENTS IN EXCHANGE FOR FINANCIAL BENEFIT TO THE FAIRFIELD COUNTY SHERIFFS' ASSOCIATION, INC.**

On two occasions during 2000 sheriffs from Fairfield County were used to assist in connection with security at events conducted by Fairfield University.

**1. Fairfield University Commencement.**

The Security Department at Fairfield University arranged with Sheriff Valentino for the services of several sheriffs at the Commencement on Sunday May 21, 2000. S-144, pp. 9 - 10. This conversation was confirmed with a letter requesting the service. Ex. 747; S-144, p. 10. There were further conversations concerning the question of whether the sheriffs involved were covered by Fairfield University's insurance. It was determined that if the sheriffs were volunteers they would be covered by Fairfield University's insurance. Ex. 748, Ex. 749; S-144, pp. 10 - 12, 18. That was communicated to Sheriff Valentino. Ex. 749. Fairfield University wanted uniformed personnel which Sheriff Valentino indicated would be no problem. S-144, p. 12. Although the individual sheriffs were not to be compensated for this event, there was discussion of a price which the Fairfield University representative understood to be a donation. S-144, pp. 12 - 15.

Special Deputy Sheriffs were solicited at roll call to volunteer to work at the Fairfield University Commencement. Ex. X1187. A Special Deputy Sheriff who provided us with a sworn statement indicated that the work was traffic duty in uniform. Ex. X1187.

At the Commencement, sheriffs performed traffic control duties. S-144, pp. 11, 22 - 23, 30. All of the sheriffs who were on duty at the Commencement were in uniform. S-144, p. 18. Sheriff Valentino was in uniform and was armed with a revolver. S-144, pp. 23, 25. The following Deputy Sheriffs were present, and in uniform: Chief Deputy Sheriff Robert Magnuson, Deputy Sheriff Patricia Randall, Deputy Sheriff Rafael Segarra, and Deputy Sheriff Willie Smith. S-144, pp. 26 - 28. Magnuson was armed. S-144, p. 29. The following Special Deputy Sheriffs were in attendance: Special Deputy Sheriff Captain Kevin Cahill and Special Deputy Sheriff Kosmas Kalmanidis. S-144, pp. 27 - 28. Kalmanidis was armed with a semiautomatic pistol. S-144, pp. 28 - 29. There were a total of 18 sheriffs present at this event. S-144, pp. 23, 25. Some additional sheriffs who were present could not be specifically identified by a Fairfield University representative. S-144, p. 28. One of the additional uniformed sheriffs was armed with a semiautomatic pistol in a holster made for a revolver.<sup>69</sup> S-144, p. 30. In total, 18 sheriffs assisted at Fairfield University's Commencement. All were in uniform, and some were armed.

Fairfield University paid the Fairfield County Sheriffs Department the sum of \$1200 for the services performed by the sheriffs at Commencement. Ex. 750. Interestingly, the bill for these services was on a form from the Fairfield County Sheriff Dept. PAC, or political action committee. Ex. 750. It seems very odd to us that a political action committee would be billing for security services performed by sheriffs, especially uniformed sheriffs. The check was actually issued to "Fairfield County Sheriffs Dept". Ex. 751, Ex. 752. The endorsement includes the number "0100308023" and the initials "FCSA". Ex. 752. to the same account belonging to the Fairfield County Sheriffs Association, Inc. that was drawn on for the illegal contribution to the Valentino for High Sheriff campaign. Ex. 539.

The check provided to Sheriff Valentino which he then turned over to Segarra does not appear on any of the financial reports of the PAC. Ex. 461, Ex. 463, Ex. 465. Moreover, the services performed for Fairfield University by the Sheriff, some Deputy Sheriffs, and some Special Deputy Sheriffs, do not appear as in-kind contributions on the financial reports of the PAC. Ex. 461, Ex. 463, Ex. 465. The check does appear to have been deposited by the Fairfield County Sheriffs Association, Inc. The check was actually issued to "Fairfield County Sheriffs Dept". Ex. 751, Ex. 752. The endorsement includes the number "0100308023" and the initials "FCSA". Ex. 752. The number corresponds to the same account belonging to the Fairfield County Sheriffs Association, Inc. that was drawn on for the illegal contribution to the Valentino for High Sheriff campaign. Ex. 539.

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<sup>69</sup>This is of concern since semiautomatic handguns do not properly fit in holsters designed for revolvers, and vice versa. This in itself creates a significant safety hazard to both the individual wearing the weapon as well as the general public.



## **2. Fairfield University Concert.**

A few weeks after the Commencement, arrangements were made to use sheriffs at a concert sponsored by Fairfield University. The concert was to be held on June 24, 2000. These arrangements were also made with Sheriff Valentino. S-144, pp. 37 - 39. Sheriff Valentino mentioned that this time the sheriffs would have to be compensated. S-144, p. 38. An agreement was made to pay \$1500 for sheriff services for the concert. S-144, pp. 38 - 39.

Special Deputy Sheriffs were solicited at roll call to volunteer to work at the second event at Fairfield University. Ex. X1187. A Special Deputy Sheriff who provided us with a sworn statement indicated that the work was traffic duty in uniform. Ex. X1187. At this event this Special Deputy Sheriff was paid \$60 in cash by Sheriff Valentino, which is less than the normal per diem pay for a Special Deputy Sheriff. Ex. X1187.

At the concert sheriffs were used to direct traffic, direct people to where they could find parking, and direct people to the concert. S-144, p. 45. All of the sheriffs who were on duty at the concert were in uniform. S-144, p. 40. There were 20 sheriffs present. S-144, p. 40. Sheriff Valentino was in uniform and was armed with a revolver. S-144, pp. 40 - 41. The following Deputy Sheriffs were present, and in uniform: Chief Deputy Sheriff Robert Magnuson, Deputy Sheriff Ronald Kadar, Deputy Sheriff Patricia Randall, Deputy Sheriff Rafael Segarra, and Deputy Sheriff Willie Smith. S-144, pp. 40 - 43. Kadar was armed with a semiautomatic pistol. S-144, p. 43. The following Special Deputy Sheriffs were in attendance: Special Deputy Sheriff Captain Kevin Cahill, Special Deputy Sheriff David Miller, and six other Special Deputy Sheriffs with identifiable first names. Ex. 755; S-144, pp. 40 - 43. There was also a sheriff there in uniform with a motorcycle that had Fairfield County Sheriff Department insignia, a flashing light and a siren. S-144, pp. 44 - 45. The motorcycle sheriff was armed with a semiautomatic pistol. S-144, p. 45. In total, 20 sheriffs assisted at the concert at Fairfield University. All were in uniform, and some were armed.

Fairfield University generated a check for the sheriffs' services at the concert for \$1500. Ex. 754; Ex. 1140. The bill for these services was provided by Sheriff Valentino. Ex. 753. This check was made payable to "Fairfield County Sheriffs Dept". Ex. 754; Ex. 1140. This check was mailed to Sheriff Valentino at the Sheriff's Office in the Judicial District Courthouse at 1061 Main Street in Bridgeport. Ex. 754; Ex. 1140; S-144, p. 47. The check was endorsed "Fairfield County Sheriff Dept." Ex. 1140. Although this check was made payable to and bears the endorsement of the Fairfield County Sheriff Department it was actually deposited into an account at Fleet Bank in the name of "Charles Valentino or Irene Valentino". Ex. 1186.

## **3. Deception By Valentino In Explaining What Was Done At Fairfield University.**

We are also concerned that when Sheriff Valentino was asked to explain what happened at these events he was apparently evasive and deceptive. He reportedly refused to explain to the Office of the County Sheriffs what happened. Ex. 757. Moreover what Valentino reportedly told the Office of the County Sheriffs was simply not accurate in that Valentino indicated to the Office

of the County Sheriffs that those who attended the Fairfield University events were not in uniform. Ex. 757. There is no apparent explanation for Valentino stating that sheriffs were not in uniform when in fact they all were.

## **B. CONCLUSION & RECOMMENDATIONS.**

Sheriffs should not be engaged in extra duty security work at all as sheriffs. This is especially true for Special Deputy Sheriffs, who are state employees, at this point in time when a bargaining unit has been certified and negotiations for a first contract are set to commence within the next few months. Making Special Deputy Sheriffs work without compensation, or paying them outside of the ordinary compensation process, can raise collective bargaining issues.

There is no valid legal justification for Sheriff Valentino to arrange for the use of uniformed sheriffs to provide security services in exchange for financial benefit to a private organization. This is very different from the well-established practice of compensating police departments for extra duty security services where the needs of public safety require the presence of police officers. In such instances the compensation goes into the public treasury rather than the treasury of a private organization. Here, public officials serving the public interest, allowed their offices or their subordinates to be used in a fashion that conferred a private financial. Particularly troubling is that this extra duty work resulted in a payment to the Fairfield County Sheriffs Association, Inc. in light of this organization's history of making illegal expenditures, as noted earlier in this report.

We are extremely concerned that Sheriff Valentino and some of the other sheriffs who were present at the Fairfield University functions were armed. First, sheriffs do not generally have the training necessary to perform armed law enforcement functions. Moreover, given the "unofficial" nature of the duties that were performed, if one of the armed sheriffs had actually drawn and/or used a firearm there could have been considerable civil liability problems. Finally, if the motorcycle is owned by the Fairfield County Sheriff Department, it should be included in property inventory records. On the other hand, if the motorcycle is privately owned, it should not be decorated with law enforcement insignia, and should not have a flashing light or siren — especially if the owner does not have a Department of Motor Vehicles permit for the flashing light.

Sheriff Valentino should be required to explain all occasions when sheriffs from Fairfield County provided extra duty security services of any sort and should account for all funds of any sort associated with any such activity, regardless of where the funds came from or to whom they were disbursed. He should also take steps to insure that neither he nor subordinates of his carry firearms in connection with their duties unless and until the individuals who are armed successfully complete training equivalent to what we require of police officers in Connecticut. Finally, Sheriff Valentino should take steps to insure either that the motorcycle decorated with Fairfield County Sheriff Department insignia, flashing lights and sirens be properly inventoried and accounted for, if it belongs to the Fairfield County Sheriff Department, or, if it is privately owned, that all Fairfield County Sheriff Department insignia, flashing lights and sirens, be removed from the motorcycle bearing such insignia and equipment.

## **VIII. DEADBEAT DADS.**

In the course of our investigation we have received complaints and other information concerning billing in connection with capias services on parents who were delinquent in their child support obligations — commonly known as “Deadbeat Dads”. From our preliminary review it appears as though the Judicial Branch has achieved significant and commendable reform in investigating and correcting problems in the way in which the State of Connecticut was billed. We will continue to investigate this issue, and in particular the concern that some Deputy Sheriffs and Special Deputy Sheriffs were shortchanged by other Deputy Sheriffs.<sup>70</sup>

## **IX. ADMINISTRATION OF THIRD PARTY FUNDS BY SHERIFFS.**

- ♦ *We have received information that some sheriffs have not properly administered execution proceeds in their custody.*
- ♦ *Based upon evidence obtained during the course of the investigation we are concerned about the administration of these types of funds by some sheriffs.*
- ♦ *Fairfield County Sheriff Charles Valentino has bounced some checks drawn on a trustee account, an account presumably containing money that was not Sheriff Valentino's. The checks that were returned for insufficient funds were remittances to a law firm of funds that Sheriff Valentino collected pursuant to executions that he served.*

Some sheriffs administer funds of third parties in bank accounts controlled by the sheriffs. Typically these funds would be funds that a Sheriff, Chief Deputy Sheriff or Deputy Sheriff obtained through serving bank executions, wage executions or tax warrants.

Money judgments that result from cases that are concluded in the Superior Court may be enforced in a number of ways. A common way to do this is by obtaining a court order called an “execution” from the Superior Court.<sup>71</sup> Executions against wages are governed by Conn. Gen. Stat. § 52-361a and permit a sheriff to take a portion of a judgment debtor's wages directly from the employer in order to be applied to the debt. Executions against bank accounts are governed by Conn. Gen. Stat. §§ 52-367a, 52-367b and permit a sheriff to take money directly out of a judgment debtor's bank account in order to be applied to the debt. Executions against other personal property are governed by Conn. Gen. Stat. § 52-356a and permit a sheriff to take other personal property belonging to a judgment debtor, sell it, and apply the proceeds to the debt. Samples of execution forms are attached to this report. Ex. 481, 482, 483, 484, 485, 486. The sheriff's fee for serving an execution, if money is actually collected and paid to the judgment

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<sup>70</sup> Although it is not related to the billing issues associated with arrests for failure to pay child support, we did learn that the New London County Sheriff Department utilized at least one unauthorized individual, who happens to be an oral surgeon, on one of the teams that made such arrests. This concerns us greatly and clearly never should have happened. It is reported on in depth in the portion of this report on sheriff badges and identification where New London County is discussed.

<sup>71</sup> Certain types of property are exempt from execution. E.g.: Conn. Gen. Stat. §§ 52-352b, 52-352d.

creditor,<sup>72</sup> is 10% of the amount collected on the execution. Conn. Gen. Stat. § 52-261(6). This fee is collected from the judgment debtor's property in addition to the amount of the debt.

Tax warrants are sometimes used to collect unpaid taxes. This could be for certain taxes due the State. Conn. Gen. Stat. § 12-35. Tax warrants for taxes due the State have the same legal effect as an execution. Conn. Gen. Stat. § 12-35(a). The fee on a tax warrant served for the State are "twice those authorized by statute for serving officers..." Conn. Gen. Stat. § 12-35a. Tax warrants are also available for municipal taxes. Conn. Gen. Stat. §§ 12-130, 12-132, 12-135. Tax warrants, like executions, permit sheriffs to seize property to be used to pay the taxes.

Under Conn. Gen. Stat. § 6-35 sheriffs are required to turn over any money collected for another person within ninety (90) calendar days from the date of collection or upon the collection of \$1000, whichever comes first. Also under this statute, the sheriff is liable for interest at the rate of 5% per month from the date of collection for failure to make a timely remittance.

Based upon evidence developed during the course of the investigation, we developed a concern about the administration of these types of funds by some sheriffs. Our review of this issue is ongoing. In addition, our evaluation of these issues is not sufficiently developed to report on in detail at this time. Some preliminary observations are summarized below:

**A. SOME CHECKS DRAWN ON THE TRUSTEE ACCOUNT USED BY FAIRFIELD COUNTY SHERIFF CHARLES M. VALENTINO HAVE BEEN RETURNED FOR INSUFFICIENT FUNDS.**

In the course of our investigation we learned that Fairfield County Sheriff Charles M. Valentino drew checks on an account that he has at People's Bank — the account is identified on the checks as "Sheriff Charles M. Valentino, Trustee" — which checks were drawn on insufficient funds. We obtained copies of three such checks drawn on insufficient funds which were payable to a law firm. Ex. X1177.

At the time that we learned of the checks which were drawn on insufficient funds subpoenas were issued to People's Bank and to Fleet Bank for bank records of accounts belonging to Valentino. Ex. 1178; Ex. 1179. Since Sheriff Valentino has sought to quash those subpoenas, we have not yet been able to review his financial records to ascertain why he bounced checks.

Needless to say, having checks drawn from a trustee account — presumably an account containing money that was not Sheriff Valentino's — raises serious concerns. However, we are reluctant to draw any firm conclusions about what happened here until we are able to review the relevant records.

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<sup>72</sup>There is no fee if money is not actually collected.

## **B. OTHER SHERIFFS.**

The investigation is currently exploring similar concerns with respect to other sheriffs. As a result of information that has been obtained in the course of this investigation we plan to further examine allegations of financial impropriety concerning sheriffs. Clearly this is a topic of concern among sheriffs themselves. For example, concerns with respect to execution money not being paid in a timely manner, fraudulent sheriff's returns, and sheriffs not doing services have been discussed at meetings of the Fairfield County Sheriffs Association, Inc. Ex. 178, Ex. 183, Ex. 194. Similar concerns have been expressed to us in sworn testimony. More than one Sheriff's office regularly receive complaints concerning certain Deputy Sheriffs. S-83, pp. 23 - 27; S-148, pp. 40 - 47, 51 - 53.

We obtained testimony raising concerns about a Deputy Sheriff who has been the subject of numerous complaints concerning wage executions, including not remitting on time, putting execution proceeds in certificates of deposit, borrowing and "wheeling and dealing" with money, and charging illegal fees. S-9, p. 16 - 20; S-10, pp. 18 - 19; S-134, pp. 45, 47 - 58. Concerns with respect to timely remittances have been made with respect to a number of Deputy Sheriffs. S-10, pp. 33, 47 - 48; S-134, pp. 39 - 41. There are also concerns about a Deputy Sheriff who is alleged to have received kickbacks in connection with collection work. S-9, pp. 48 - 52. More than one Deputy Sheriff is alleged to be receiving illegal fees. S-9, p. 53; S-10, p. 45. A Deputy Sheriff, the subject of many complaints, is alleged to be commingling execution proceeds and personal funds. S-10, pp. 9 - 10. A Deputy Sheriff is alleged to receive fees for serving restraining orders, not serving the orders, and not refunding the fees. S-10, pp. 17 - 18. A person testified to having heard from a Deputy Sheriff of charging interest on executions but not remitting it to the judgment creditor. S-10, pp. 55 - 56. In addition to the above testimony, during the course of this investigation we have received information from numerous sources, including information from attorneys, collection firms, and members of the public, as well as information we subpoenaed from sheriff offices, which raise concerns about mishandling of executions by numerous Deputy Sheriffs. We continue to investigate these concerns.

Numerous subpoenas have been issued in connection with these allegations, and others. In order not to impede the further progress of this investigation we are not identifying the specific number of subpoenas that have been issued, or the identities of the individuals to whom subpoenas have been issued.<sup>73</sup> We plan to continue investigating these issues as well as analyzing substantial amounts of additional information that we have already gathered. However, the issues concerning alleged financial impropriety with other sheriffs have not been sufficiently developed to include them in this report.

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<sup>73</sup> Many subpoenas have been issued for different reasons. No conclusions should be drawn by anyone about the reasons why particular individuals have been subpoenaed. Some subpoenas, for example, have been issued to some whistle blowers themselves in order to have them place their concerns under oath. Others have been issued to cooperating witnesses.

**X. SOME SHERIFFS WERE PAID MONEY BY THE STATE FOR THEIR ATTENDANCE AT NATIONAL SHERIFFS' ASSOCIATION CONVENTIONS.**

- ♦ *Fairfield County Sheriff Charles Valentino received a travel reimbursement from the state for attendance at a National Sheriffs' Association convention for which he also received a stipend from the Fairfield County Sheriff Association, Inc. It was wrong for Valentino to receive compensation from more than one source for this event.*
- ♦ *Some Deputy Sheriffs and Special Deputy Sheriffs have received per diem compensation from the state for attendance at National Sheriffs' Association conventions. This per diem compensation is not authorized by statute.*

In the course of our investigation information was provided to us suggesting that some sheriffs received per diem compensation for attendance at National Sheriffs' Association conventions and also that some sheriffs were provided travel reimbursements out of state funds for such conventions at the same time that they received stipends from sheriff associations for attendance at such conventions. We reviewed payroll and expense records for the time periods of the 1997, 1998 and 1999 National Sheriffs' Association conventions and found that the concern which was expressed to us was meritorious.

**A. PER DIEM COMPENSATION AND TRAVEL REIMBURSEMENTS WERE PAID FROM STATE FUNDS FOR SOME SHERIFFS WHO ATTENDED NATIONAL SHERIFFS' ASSOCIATION CONVENTIONS.**

Deputy Sheriffs and Special Deputy Sheriffs are entitled to per diem compensation from the State for each day of attending court.<sup>74</sup> Conn. Gen. Stat. § 6-41. Such compensation is also available for participating in the training program for courthouse security personnel approved by the Sheriffs' Advisory Board. Conn. Gen. Stat. § 6-32b. There is no other legal authority for per diem compensation from the State for Deputy Sheriffs or Special Deputy Sheriffs. Attendance at National Sheriffs Association conventions has never been approved by the Sheriffs' Advisory Board as part of the training program for courthouse security personnel. Nevertheless, we have found examples of Deputy Sheriffs and Special Deputy Sheriffs being provided per diem compensation out of state funds for dates that they attended National Sheriffs Association conventions in 1997, 1998 and 1999.<sup>75</sup> This per diem compensation was illegal since it was not authorized by statute.

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<sup>74</sup>The Chief Deputy Sheriff for each county is also entitled to a relatively small salary. Conn. Gen. Stat. § 6-40. Since the Chief Deputy Sheriff is the Deputy Sheriff appointed to be Chief Deputy Sheriff, pursuant to Conn. Gen. Stat. § 6-37, the Chief Deputy Sheriff is also entitled to a per diem payment for each day of attending court.

<sup>75</sup>The 1997 National Sheriffs' Association convention was in Atlanta, Georgia from June 21 through June 26, 1997. The 1998 National Sheriffs' Association convention was in Phoenix, Arizona from June 27 through July 2, 1998. The 1999 National Sheriffs' Association convention was in Columbus, Ohio from June 26 through July 1, 1999.

In addition, we also found that there were state travel reimbursements paid to Sheriff Charles Valentino during a year for which he also received a stipend from the Fairfield County Sheriff Association, Inc. for attendance at National Sheriffs Association conventions. We are concerned that state funds were utilized for expenses that were also paid by another source of funds.

Our findings are summarized in a table that we prepared. Ex. 1199. The supporting documentation is explained below.

### **1. Fairfield County.**

In 1998, Fairfield County Chief Deputy Sheriff William Mehlhorn was paid per diem compensation for attendance at the National Sheriffs Association convention. Per diem compensation was paid for June 25 through July 3. Mehlhorn's travel form and payroll forms for these periods were signed by him and by Fairfield County Sheriff Edwin Mak. Ex. 1200; Ex. 1201; Ex. 1202. Although the convention ended on July 2, there is a note attached to the payroll sheet that includes July 3 that such date was left on the payroll since Mehlhorn said he worked that day at the convention.

In 1999, Fairfield County Sheriff Charles Valentino was provided a state travel reimbursement for attendance at the National Sheriffs Association convention.<sup>76</sup> The travel reimbursement was for \$1,228.88.<sup>77</sup> Valentino signed the travel authorization and reimbursement forms. Ex. R1203; Ex. 1204. Valentino also received a payment of \$1,000.00 from the Fairfield County Sheriff Association, Inc. for attendance at this convention. Ex. 546.

Also in 1999, Fairfield County Chief Deputy Sheriff Robert Magnuson was paid per diem compensation. Per diem compensation was paid for June 28 through July 1. Ex. 1207. Magnuson's payroll forms for this period were signed by him and Fairfield County Sheriff Charles Valentino. Ex. 1205; Ex. 1207.

### **2. Hartford County.**

In 1998, Hartford County Special Deputy Sheriff Chief Supervisor John P. Carragher was paid per diem compensation for attendance at the National Sheriffs Association convention. Per diem compensation was paid for June 27 through July 2. Carragher's travel form and payroll form for this period was signed by him and by Hartford County Sheriff Walter Kupchunos, Jr. Ex. 1208; Ex. 1209.

### **3. Litchfield County.**

In 1998, Litchfield County Special Deputy Sheriff Captain John Thomas was paid per diem compensation for attendance at the National Sheriffs Association convention. Per diem

<sup>76</sup> As Sheriff he is not entitled to per diem compensation.

<sup>77</sup> If attendance at the National Sheriffs Convention would otherwise be considered job related in accordance with normal state fiscal procedures, then a travel expense to this convention would be legitimate. The reason that we question it is that Sheriff Valentino also received compensation from another source for attending this convention.

compensation was paid for June 26 through July 1. Thomas's payroll form for this period was signed by him and by Litchfield County Sheriff Richard Zaharek. Thomas's travel authorization form was signed by him and by Chief Deputy Sheriff Kevin McGrady. Ex. 1210; Ex. 1211.

#### **4. Middlesex County.**

In 1998, Middlesex County Special Deputy Sheriff Marilyn Zeeb was paid per diem compensation for attendance at the National Sheriffs Association convention. Per diem compensation was paid for June 29 through July 2. Zeeb's travel authorization form was signed by herself and by Middlesex County Sheriff Joseph Bibisi. Zeeb's payroll form for this period was signed by Special Deputy Sheriff Captain Robert Brown. Sheriff Bibisi specifically authorized Zeeb to attend this convention. Ex. 1212; Ex. 1213; Ex. 1214.

#### **5. New Haven County.**

In 1999, New Haven County Special Deputy Sheriff John Getlein<sup>78</sup> was paid per diem compensation for attendance at the National Sheriffs Association convention. Per diem compensation was paid for June 28 through July 1. Ex. 1215. Getlein's payroll form for this period was signed by him and Special Deputy Sheriff Captain Adolph Scarpa. Ex. 1215. Getlein also received a payment of \$1,000.00 from the New Haven County Sheriffs Association, Inc. for attendance at this convention. Ex. 1133.

#### **6. Tolland County.**

In 1997, Tolland County Chief Deputy Sheriff Sharon Uhlman was paid per diem compensation for attendance at the National Sheriffs Association convention. Per diem compensation was paid for June 20 through June 26. Ex. 1217. Uhlman's and payroll form for this period was signed by her and Tolland County Sheriff Michael Piccoli. Ex. 1217.

In 1998, Tolland County Chief Deputy Sheriff Sharon Uhlman was paid per diem compensation for attendance at the National Sheriffs Association convention. Per diem compensation was paid for June 29 through July 2. Ex. 1219; Ex. 1220. Uhlman's travel form and payroll form for this period were signed by her and Tolland County Sheriff Michael Piccoli. Ex. 1219; Ex. 1220.

In 1999, Tolland County Chief Deputy Sheriff Sharon Uhlman was paid per diem compensation for attendance at the National Sheriffs Association convention. Per diem compensation was paid for June 28 through July 1. Ex. 1223. Uhlman's travel and payroll forms for this period were signed by her and Tolland County Sheriff Michael Piccoli. Ex. 1221; Ex. 1222; Ex. 1223.

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<sup>78</sup> Getlein is also a Deputy Sheriff for New Haven County.



## **B. CONCLUSION.**

There is no legal basis for providing per diem compensation in connection with attendance at National Sheriffs' Association conventions. Such compensation simply does not come within the statutory authorization for providing per diem compensation to Deputy Sheriffs and Special Deputy Sheriffs. In addition, receiving per diem compensation or travel reimbursements out of state funds is questionable where compensation is also provided by an outside source for attending such conventions. Accordingly, the Office of the County Sheriffs should take whatever action is necessary to recover state funds which were not properly paid.

## **XI. GENERAL BACKGROUND CONCERNING SHERIFF SYSTEM.**

In the State of Connecticut, the office of Sheriff, commonly referred to as "High Sheriff" is one of the public offices created by the state Constitution, with a Sheriff elected in each county.<sup>79</sup> Conn. Const. Art. IV, § 25. Some general background concerning the nature of the authority of the Sheriff, and officers subordinate to the Sheriff, as well as some general background information concerning the organizational structure of the present sheriff system in Connecticut is set forth below.

### **A. TYPES OF SHERIFFS.**

There are a number of terms which are often used interchangeably in describing sheriffs. However, in reviewing the sheriff system it is important to understand the differences among the several types of sheriffs.

#### **1. Sheriff.**

The "Sheriff" is the individual elected to hold the office of Sheriff. Connecticut has eight sheriffs, one for each county. The general authority of the Sheriff is set forth in Conn. Gen. Stat. § 6-31.<sup>80</sup> In addition, each Sheriff is a "peace officer" who has full arrest authority. E.g., Conn. Gen. Stat. §§ 53a-3(9), 54-1f. Each Sheriff is paid a salary by the State.<sup>81</sup> Conn. Gen. Stat. § 6-33.

#### **2. Chief Deputy Sheriff.**

The "Chief Deputy Sheriff" is the Deputy Sheriff who is appointed by the Sheriff pursuant to Conn. Gen. Stat. § 6-37 to be Chief Deputy Sheriff. There is only one Chief Deputy Sheriff per

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<sup>79</sup>There are eight counties: Hartford County, New Haven County, New London County, Fairfield County, Windham County, Litchfield County, Middlesex County, and Tolland County. Conn. Gen. Stat. § 6-1.

<sup>80</sup>"Each sheriff may execute in his county all lawful process directed to him, shall be conservator of the peace and may, when necessary, with force and strong hand, suppress all tumults, riots, unlawful assemblies and breaches of the peace and may raise the power of the county and command any person to assist him in the execution of his office." Conn. Gen. Stat. § 6-31.

<sup>81</sup>For New Haven, Hartford, Fairfield and New London the salaries are \$37,000 per year; for Middlesex, Tolland, Litchfield and Windham the salaries are \$35,000 per year; in addition sheriffs are permitted to retain fees for serving civil process. *See* Conn. Gen. Stat. § 6-33.

county. In addition to the authority of a Deputy Sheriff, the Chief Deputy Sheriff may also “in the absence, illness or disability of the sheriff or by his direction” exercise all of the powers and duties of the office of the Sheriff. Conn. Gen. Stat. § 6-37. Each Chief Deputy Sheriff is paid a salary by the State.<sup>82</sup> Conn. Gen. Stat. § 6-40.

### **3. Deputy Sheriff.**

A “Deputy Sheriff” is each individual appointed by the Sheriff as a Deputy Sheriff. There is a limit on the number of Deputy Sheriffs for each county. Conn. Gen. Stat. § 6-38.<sup>83</sup> The primary duties of Deputy Sheriffs are service of civil process and each Deputy Sheriff “shall have the same powers as such sheriff to serve civil process...” Conn. Gen. Stat. § 6-37. Deputy Sheriffs may charge fees for their service of process. Conn. Gen. Stat. § 52-261. Deputy Sheriffs may also be paid a per diem by the State for attendance at court. Conn. Gen. Stat. § 6-41. In addition, Deputy Sheriffs are peace officers who have full arrest authority. Conn. Gen. Stat. §§ 53a-3(9), 54-1f.

### **4. Special Deputy Sheriff.**

A “Special Deputy Sheriff” is each individual appointed by the Sheriff as a Special Deputy Sheriff. While the primary duties of Special Deputy Sheriffs are courthouse security and prisoner transportation, each Special Deputy Sheriff has “all of the powers of the sheriff as provided by law, except as to service of civil process...” Conn. Gen. Stat. § 6-43. Special Deputy Sheriffs are peace officers who have full arrest authority. Conn. Gen. Stat. §§ 53a-3(9), 54-1f. Special Deputy Sheriffs are paid a per diem by the State for attendance at court. Conn. Gen. Stat. § 6-41. Sheriffs are responsible for transporting certain prisoners. Conn. Gen. Stat. § 6-32d. It is the Special Deputy Sheriffs that typically perform these prisoner transportation functions.<sup>84</sup>

### **5. Honorary Deputy Sheriff.**

An “Honorary Sheriff” or “Honorary Deputy Sheriff” means an individual appointed to that position either by the Sheriff and/or by a sheriff association. This designation has no legal significance whatsoever, does not appear in any law and does not have any governmental authority or status of any sort. We have substantial concerns with respect to the “honorary” designation for reasons described in more detail in this report.

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<sup>82</sup>For New Haven, Hartford, Fairfield and New London the salaries are \$11,000 per year; for Middlesex, Tolland, Litchfield and Windham the salaries are \$10,500 per year; these salaries are in addition to fees payable to a Deputy Sheriff. *See* Conn. Gen. Stat. § 6-40.

<sup>83</sup>“The number of deputy sheriffs to be appointed for Hartford County shall not exceed seventy-two; for New Haven County, sixty-two; for New London County, thirty-eight; for Fairfield County, fifty-five; for Windham County, eighteen; for Litchfield County, thirty; for Middlesex County, twenty-one; for Tolland County, twenty-two. In addition to such number, sheriffs may appoint each other as a deputy in their respective counties and on special occasions may depute any proper person to execute any process. No person not a citizen of this state shall be appointed a deputy sheriff.” Conn. Gen. Stat. § 6-38.

<sup>84</sup>Under Conn. Gen. Stat. § 6-41, being a transportation officer is one of the categories that will result in additional compensation — other such categories include cell block, metal detector and supervisory assignments.

## **6. Associate Deputy Sheriff.**

An “Associate Deputy Sheriff” means an individual appointed to that position by the Sheriff. As far as we know, this designation was only used for a limited period of time in Litchfield County. This designation has no legal significance whatsoever, does not appear in any law and does not have any governmental authority or status of any sort. Our concerns with respect to the “Associate Deputy Sheriff” designation are described in more detail in this report.

## **7. Sheriff Association.**

A “sheriff association” is either a voluntary association or nonprofit corporation calling itself a sheriff association. This type of organization does not appear in any law and does not have any governmental authority or status of any sort. We have substantial concerns with respect to the activities of some sheriff associations for reasons described in more detail in this report.

## **B. ORGANIZATION OF THE SHERIFF SYSTEM.**

There are three basic components of the sheriff system in Connecticut. First is the Sheriff offices themselves. There is also a Sheriff Advisory Board and a state Office of the County Sheriffs.

### **1. Sheriff Offices.**

In each county there is a Sheriff and a Chief Deputy Sheriff. In all counties there are Deputy Sheriffs whose principal function is service of civil legal papers. Typically the Sheriff, Chief Deputy Sheriff, and occasional other Deputy Sheriffs perform courthouse security and/or prisoner transportation functions. In addition, there are numerous Special Deputy Sheriffs in each county who typically perform courthouse security and/or prisoner transportation functions.

Recently the Sheriffs have begun meeting together to collectively set policy for all eight of the sheriff offices. According to minutes maintained by the Office of the County Sheriffs<sup>85</sup> these meetings have been referred to as the Sheriffs Council. While there is no legal entity known as the Sheriffs Council, a review of the minutes indicates that what actually happens is that the eight Sheriffs meet and unanimously agree on policies which they then implement for each and all of the sheriff offices at the same time.

#### **(1) *Fairfield County.***

The Sheriff for Fairfield County is Charles M. Valentino, Sr. The Chief Deputy Sheriff is Robert A. Magnuson, Sr. There are 54 other Deputy Sheriffs. In addition, there are 159 Special Deputy Sheriffs, including one Chief Supervisor (Richard T. Rilling, Sr.), 4 captains and 9 lieutenants.

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<sup>85</sup> The purpose of the Office of the County Sheriffs is described below.

**(2) *Hartford County.***

The Sheriff for Hartford County is Walter J. Kupchunos, Jr. The Chief Deputy Sheriff is William R. Smith. There are 68 other Deputy Sheriffs. In addition, there are 278 Special Deputy Sheriffs, including one Chief Supervisor (John P. Carragher), one major (Thomas Maloney), 3 captains and 20 lieutenants.

**(3) *Litchfield County.***

The Sheriff for Litchfield County is Richard L. Zaharek. The Chief Deputy Sheriff is Kevin P. McGrady. There are 11 other Deputy Sheriffs. In addition, there are 38 Special Deputy Sheriffs, including 1 captain and 5 lieutenants.

**(4) *Middlesex County.***

The Sheriff for Middlesex County is Joseph E. Bibisi. The Chief Deputy Sheriff is Sebastian Milardo. There are 18 other Deputy Sheriffs. In addition, there are 28 Special Deputy Sheriffs, including 1 captain and 3 lieutenants.

**(5) *New Haven County.***

The Sheriff for New Haven County is Frank J. Kinney III. The Chief Deputy Sheriff is Domenic Jannetty. There are 58 other Deputy Sheriffs. In addition, there are 227 Special Deputy Sheriffs, including one major (Anthony Dirienzo), 6 captains and 12 lieutenants.

**(6) *New London County.***

The Sheriff for New London County is Gerard E. Egan. The Chief Deputy Sheriff is Thomas A. Connors. There are 23 other Deputy Sheriffs. In addition, there are 82 Special Deputy Sheriffs, including 3 captains, 1 senior lieutenant, and 5 lieutenants.

**(7) *Tolland County.***

The Sheriff for Tolland County is Michael Piccoli. The Chief Deputy Sheriff is Sharon Uhlman. There are 11 other Deputy Sheriffs. In addition, there are 52 Special Deputy Sheriffs, including one major (Wayne G. Morin), 3 captains and 4 lieutenants.

**(8) *Windham County.***

The Sheriff for Fairfield County is Thomas W. White. The Chief Deputy Sheriff is Frank A. Zak, Jr.. There are 8 other Deputy Sheriffs. In addition, there are 52 Special Deputy Sheriffs, including 2 captains and 5 lieutenants.

## **2. Sheriffs' Advisory Board.**

There is a Sheriffs' Advisory Board, constituted pursuant to Conn. Gen. Stat. § 6-32a, which consists of some Sheriffs, as well as representation from the Commissioner of Correction, the Chief Court Administrator and the Comptroller. The duties of the Sheriffs' Advisory Board include establishing and administering a training program, establishing operating procedures for prisoner transportation and courthouse security, receiving appropriations for the sheriff offices, prisoner transportation and courthouse security. Conn. Gen. Stat. § 6-32b. As noted above, the duties of the Sheriffs' Advisory Board are very narrow. Its governing statutes have never given the Sheriffs' Advisory Board direct oversight of the eight Sheriffs.

## **3. Office of the County Sheriffs.**

There is an entity which exists in the state budget called "County Sheriffs" which is more formally known as the Office of the County Sheriffs. Ex. 1100. Nowhere is there any statute governing what the duties of this state office are. In the Digest of Administrative Reports to the Governor for 1998 - 1999 the Office of the County Sheriffs is described as providing administrative support to the eight Sheriffs. Ex. 1101.

# CONCLUSION

For all of the foregoing reasons we feel that allegations concerning widespread and serious misconduct in Connecticut's current sheriff system are well founded. Our investigation will continue and we will report further when additional issues have been sufficiently developed to report on.

Dated at Hartford, Connecticut, this the 11th day of October, 2000.

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Robert G. Jaekle  
Auditor of Public Accounts

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Kevin P. Johnston  
Auditor of Public Accounts

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Richard Blumenthal  
Attorney General